Financial Handbook

Issued by Authority of the Government
of the United Provinces of
Agra and Oudh

Volume II

Fundamental and Subsidiary Rules.

FIRST EDITION

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PREFACE.

This volume contains the Fundamental Rules made by the Secretary of State and orders and instructions issued thereon also the subsidiary rules and orders of the Government of India and the Local Government, and the audit instructions issued by the Auditor General. The rules and orders have been corrected up to the 1st April, 1925. The audit instructions contained in this book reproduce the decisions or rulings of the Auditor General, and are intended to facilitate the correct interpretation of the rules and orders; they are not to be regarded as authorising the grant of a concession or an emolument which may require the administrative sanction of Government or of a subordinate authority. Any errors, inaccuracies or omissions which may be noticed in this book should be communicated to the Finance Secretary to Government.

E. A. H. BLUNT,

Secretary to Government,

Finance Department.

ALLAHABAD:

1st April, 192[illegible]

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FUNDAMENTAL RULES.

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PART I.

CHAPTER I — EXTENT OF APPLICATION.

1. These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January, 1922.

2. The Fundamental Rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the Fundamental Rules, provided that—

(a) no such rule shall adversely affect any person who is in Government service at the time when the Fundamental Rules come into force, and

(b) any such rule which grants any privilege or concession not admissible under the terms of the Fundamental Rules or of the Civil Service Regulations as they stand at the time when the Fundamental Rules are introduced, shall require the sanction of the Secretary of State in Council.

Orders of the Secretary of State under rule 2.

1. A Government servant paid from civil estimates who is temporarily transferred to service paid from army estimates shall remain subject to the Fundamental Rules.

[*Government of India, Finance department resolution no. 614-C S R, dated the 19th June, 1922*]

2 In the absence of a specific provision enabling an authority (not excluding the Secretary of State) to vary or depart from the terms of the Fundamental Rules, it is not, in view of the statutory character of the rules, within the competence of the authority to relax their provisions

in favour of individuals For instance, a Government servant may not for any special reasons be exempted from the operation of rule 75(2)(a), and admitted to the benefits of the special leave rules, because that rule does not contain a provision empowering any authority to sanction such exemption

(*Auditor General's circular memo.* 179-A/57—25, *dated the 7th March*, 1925.)

For subsidiary rules made by the Local Government under this rule, see part II, chapter I.

3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations

4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner

Orders of the Government of India under rule 4.

1 Government servants of central services who serve under the administrative control of local Governments acting as agents are under the control of local Governments for the purpose of this rule. The Government of India in their capacity as principal have instructed local Governments when making rules affecting Government servants of central services to pay due attention to the proviso to sub-section (2) of section 96-B of the Government of India Act under which all Government servants appointed before the Act came into force are protected in the enjoyment of all their existing and accruing rights

[*Government of India, Finance department letter no.* 1406-E B., *dated the 22nd December*, 1921.]

5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his Executive Council and Ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing

duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made

6. A local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules, with the following exceptions :-

(a) All powers to make rules;

(b) the other powers conferred by rules 6, 9 (6) (b), 44, 45, 83, 119, 121 and 127 (c), and by the exception under rule 30.

Orders of the Government of India regarding rule 6.—

1. This rule forbids a local Government to delegate the rule-making powers and other powers conferred upon it by rule 44. Delegation is therefore actually prohibited of (1) power to grant travelling allowance, and (ii) power to make rules prescribing their amounts and the conditions under which they may be drawn. Rules framed by a local Government will be *intra vires* if (i) they prescribe the conditions under which travelling allowance may be drawn but delegate authority to determine when the conditions so prescribed are fulfilled; and (ii) they prescribe the maximum allowances which may be granted in any case and delegate authority to fix the exact amount subject to the maximum so fixed

[*Government of India, Finance department Demi-official no.* 1391-*E B*, *dated the* 17*th December*, 1921.]

For orders of the Local Government under this rule and rule 7, *see part III of this volume.*

7. No powers may be exercised or delegated under these rules except after consultation with the Finance department. It shall be open to that department to prescribe by general or special order cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

8. The power of interpreting these rules is reserved to the Governor General in Council.

CHAPTER II.—DEFINITIONS.

9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.

Provided that :—

(*a*) in the case of a Government servant deputed out of India who draws pay as laid down in rule 51 (*a*), his average pay shall be assumed to be the full pay which he would have drawn if on duty in India, and

(*b*) in the case of an officer of the Royal Engineers in civil employ who during any part of the preceding 12 months has been undergoing military training, his pay for the months spent in such training shall be assumed to be the pay which he drew in the corresponding number of months immediately preceding the training.

Note.—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

Audit instructions regarding rule 9 (2).

1. According to the definition of "average pay" in this rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus, a Government servant who has been on leave from 23rd March, 1922, to 22nd July, 1922, inclusive, is granted leave from 4th February, 1923. His average pay should be calculated on the pay earned for the periods 1st February, 1922, to 22nd March, 1922, and 23rd July, 1922, to 31st January, 1923. If, however, a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay

earned during the 12 complete months immediately preceding the month in which the leave originally commenced.

✓ 2. In the case of a Government servant on foreign service out of India lasting for more than 12 months who on reversion to British service immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service.

3. *In the case of a Government servant of a vacation department,* the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82 (*b*) and the emoluments drawn by the Government servant during the vacations should be treated as pay drawn on duty, and should therefore be taken into account in determining his leave salary during the succeeding leave.

4. The term " month " in this rule means " calendar month " as in rule 9 (18).

5. Any period of joining time taken either under clause (*b*) or under clause (*c*) of rule 105 during the preceding 12 months should be ignored in calculating average pay as no " pay " is drawn in respect of such joining time.

(3) *Barrister* means a practising barrister of England or Ireland and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

(4) *Cadre* means the sanctioned strength of a service or of an establishment.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

Audit instruction regarding rule 9(5).

1. The allowances granted to Professors of Medical Colleges who are denied the privilege of private practice should be treated as compensatory allowances.

(6) *Duty.*—(*a*) Duty includes :—

(*i*) Service as a probationer or apprentice, provided that such service is followed by confirmation.

(*ii*) Joining time.

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :

(i) During a course of instruction or training.

(ii) In the case of a student stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school, during the interval between the satisfactory completion of the course and his assumption of duties.

(iii) During preparation for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

For rules made by the Local Government under this rule, see part II of this volume, chapter II.

(7) *Foreign service* means service in which a Government servant receives his substantive pay with the sanction of Government from any source other than the general revenues of India or from a company working a state railway.

(8) *General revenues of India* include the revenues allocated to local Governments and exclude the revenues of local funds

(9) *Honorarium* means a non-recurring payment made to a Government servant in return for specified service rendered

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

(11) *Leave on average (or half or quarter average) pay* means leave on leave-salary equal to average (or half, quarter average) pay, as regulated by rules 89 and 90.

(12) *Leave-salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to return in a substantive capacity to a permanent post to which he has been appointed substantively.

(14) *Local fund* means—

(*a*) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules, and

(*b*) the revenues of any body which may be specially notified by the Governor General in Council as such.

(15) *Local Government*, for the purposes of these rules, does not include a Chief Commissioner

(16) (*a*) *Military commissioned officer* means a commissioned officer other than—

(*i*) a departmental commissioned officer;

(*ii*) a commissioned officer of the Indian Medical department

It does not include a warrant officer

(*b*) *Military officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (*i*) or (*ii*) of clause (*a*) above, or any warrant officer

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical and any other class of servant specially defined as such by general or special order of a local Government

Orders of the Local Government under rule 9(17).

1. The assistant secretaries to Government in the Civil and Public Works Secretariat have been declared to be ministerial servants.

[*G O no* A2528/X—531 (20), *dated the 6th April*, 1922.]

(18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated

and the odd number of days calculated subsequently.

Audit instruction regarding rule 9 (18).

1. In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February.

(19) *Officiate.*—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may if it thinks fit appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Rules made by the Secretary of State regulating the grant of overseas pay.

1. Overseas pay at the rate or rates sanctioned for a particular service or post may be drawn by the following classes of officers serving in such service or holding such post, namely :—

(a) any officer having at the date of his appointment to such service or post his domicile elsewhere than in Asia :

Provided that no such officer shall be entitled to this concession who, prior to such appointment, has for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege, claimed or been deemed to be a native of India;

(b) any officer having at the date of his appointment his domicile in Asia, to whom this concession has been extended by any general or special order of the Secretary of State in Council.

2. For the purposes of these rules, the domicile of a person shall be determined in accordance with the provisions set out in the schedule* to these rules.

Provided that a person who was born and has been educated exclusively in Asia, and has not resided out of Asia for a total period exceeding six months, shall be deemed to have his domicile in Asia.

* See page 99 of this volume

3 No officer who after his appointment to a service or post acquires a new domicile shall thereby lose his right to or become entitled to overseas pay.

4 If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final

Note A Government servant who has been promoted to an Imperial service from a provincial or subordinate service or from an outside post and is of non-Asiatic domicile is entitled, subject to the proviso in rule 1 (*a*), to overseas pay from the date on which he became a member of the service. This does not however apply to Government servants appointed to hold listed Indian Civil Service posts to whom the orders contained in clause (1) of Government of India, Home department resolution no 1260, dated the 24th June, 1920 will apply

[*Government of India, Finance department resolution no.* 1533-*Ex*, *dated the 5th July*, 1923.]

(21) (*a*) Pay means the amount drawn monthly by a Government servant as—

(*i*) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(*ii*) overseas pay, technical pay, special pay and personal pay and

(*iii*) any other emoluments which may be specially classed as pay by the Governor General in Council.

Orders of the Governor General in Council under rule 9 (21) (*a*) (*iii*).

1. Judicial pay and language pay have been declared to be pay.

[*Government of India, Finance department resolutions nos.* 76-*E. A. and* 1139 *F. E., dated the 25th January and 14th July*, 1922.]

Audit instructions regarding rule 9(21)(*a*).

2. If language allowances are lump sum allowances, they will be dealt with under rule 46. If they are recurring payments, they will fall under the head "pay" under rule 9 (21) (*a*).

3. If the allowances granted to medical officers in medical charge of railway employees are paid from general revenues, they may be classified as 'special pay.' If they are paid by companies, they cannot be treated as 'special pay' unless contribution is paid

(*b*) In the case of a military officer, pay includes the amount which he receives monthly under the following designations –
(*i*) military pay and allowances and staff salary;
(*ii*) Indian army pay and staff salary; and
(*iii*) consolidated pay.

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *Personal pay* means additional pay granted to a Government servant—
(*a*) to save him from a loss of substantive pay due to a revision of pay or to any reduction of his substantive pay otherwise than as a disciplinary measure, or
(*b*) in exceptional circumstances, on other personal considerations.

(24) *Presumptive pay of a post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

Audit instruction regarding rule 9 (24).

1. The first part of the definition is intended to facilitate the [illegible] the term in relation to a Government servant who has been [illegible] post for some time but still retains a lien on it.

(25) *Special pay* means an addition, of the [illegible] to the emoluments of a post or of a [illegible] servant, granted in consideration of—
(*a*) the specially arduous nature of the duties [illegible]
(*b*) a specific addition to the work or [illegible]
(*c*) the unhealthiness of the locality in [illegible] is performed.

(26) *Statutory Civil Servant* means a nati[illegible] was appointed, under notification [illegible] ment of India in the Home depart[illegible] dated the 22nd August, 1879, to [illegible] or employment mentioned in [illegible] 33 Vict., Chapter 3.

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary

(28) *Substantive pay* means the pay, other than special pay or pay granted in view of personal qualifications, which a Government servant draws on account of a post which he holds substantively or by reason of his substantive position in a cadre

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time

(31) *Time-scale pay* means pay which subject to any conditions prescribed in these rules rises by periodical increments from a minimum to a maximum It includes the class of pay hitherto known as progressive

(32) *Travelling allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service It includes allowances granted for the maintenance of conveyances, horses and tents.

PART II

CHAPTER III GENERAL CONDITIONS OF SERVICE

10. Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule.

For rules made by the Local Government under t see part II of this volume chapter III.

11. Unless in any case it be otherwise distinctly pr the whole time of a Government servant is at the dispos Government which pays him, and he may be employed manner required by proper authority, without claim f tional remuneration, whether the services required of such as would ordinarily be remunerated from general from a local fund or from the revenues of an Indian S

12. (a) Two or more Government servants ca appointed substantively to the same permanent post at t time.

(b) A Government servant cannot be appointed tively (except as a temporary measure) to two or more nent posts at the same time.

(c) A Government servant cannot be appointed tively to a post on which another Government servant lien

13. If a Government servant is transferred to there is reason to believe will not terminate within and retains no connection with his substantive Government may suspend his lien upon that substantively, subject to the condition that th

thus made will be reversed on the return of the Government servant in question When the Government servant transferred draws pay in a selection grade of a cadre, another Government servant may, subject to the same reservation, be promoted to the selection grade even if no change of duties is involved.

14. Unless his lien is formally transferred or suspended by the local Government, a Government servant holding substantively a permanent post retains a lien on that post or on a post of the same character in the same cadre,—

(*a*) subject to the exception in rule 97, while on leave;

(*b*) while on foreign service or holding a temporary post or officiating in another post:

(*c*) during joining-time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post; and

(*d*) while under suspension

Note—In the case of a Chaplain the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of sub-clause (*b*) above

15. A Government servant shall not, save in cases of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify

16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

17. Subject to any exception specifically made in these rules, an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties

Audit instructions regarding rule 17.

1 A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day.

2. A Government servant appointed to the Public Works department by the Secretary of State begins to draw pay from the date of his landing in India *unless the letter of appointment distinctly specifies* another date

18. Unless the Governor General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

PART III.

CHAPTER IV.—PAY.

19. Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council, or the Governor in Council as the case may be, the fixation of pay is within the competence of a local Government, provided that, except in the case of personal pay granted in the circumstances defined in rule 9(23)(*a*), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Audit instruction regarding rule 19.

1. It is not the intention of this rule that it should give a local Government power to grant less pay than is permissible under rules 22 and 23.

20. When a Government servant is treated as on duty under rule 9(6)(*b*) above, the local Government may, if it thinks fit, by general or special order reduce the amount of his pay and allowances.

21. *Time-scale pay.*—Rules 22 to 29 inclusive and rule 32 apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

22. When a Government servant is appointed substantively to a post on a time-scale of pay—

(*a*) (*i*) if he has not previously officiated in the post, or

(*ii*) if he has officiated in it but his present substantive pay exceeds the pay which he last drew in it,

he will draw as initial pay the pay of the stage in the time-scale next above his present substantive pay, if any, and will draw increments after the periods usually required; and

(b) if he has previously officiated in the post but his present substantive pay does not exceed the pay which he drew when last officiating,

he will draw initial pay equal to that pay, and will count for increment in that stage the period during which he was drawing the said pay.

23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Audit instruction regarding rule 23.

1. If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under rule 22(b) and not rule 22(a), even though he be holding the post substantively.

24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments

Orders of the Government of India regarding rule 25

1. On each occasion on which a Government servant is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

[*Government of India, Home department, letter no* F-197-Ests, *dated the 2nd October,* 1922.]

26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

(*a*) All duty in a post to which a time-scale applies counts for increments in that time-scale.

(*b*) Officiating service in another post, service in a temporary post and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under rule 13.

Provided that the local Government shall have power, in any case where they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

Orders of the Government of India regarding rule 26(*b*).

1. The Secretary of State has decided that for the purpose of regulating the pay of Government servants who avail of the concession referred to in order 1 under rule 58, the term ' lien ' in rule 26(*b*) should receive the same interpretation which it bears in the Civil Service Regulations.

[*Government of India, Finance department, no. F.* 60-*C.S.R.*, 24, *dated the* 21*st July*, 1924]

(*c*) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post.

Audit instruction regarding rule 26(*c*).

1. The intention of this rule is to allow the concession, irrespective of (1) whether the higher post is within or outside the department to which the Government servant belongs and (2) whether the Government servant, but for his appointment to the higher post, would have continued to officiate in the lower post or not.

(*d*) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts

for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case where they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(e) Foreign service counts for increments in the time-scale applicable to—

(i) the post in Government service on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under rule 13; and

(ii) any post to which he may receive officiating promotion under rule 113 below, for the duration of such promotion

Audit instruction regarding rule 26

1 A period of overstayal of leave does not count towards increments under the Fundamental Rules

27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

29. If a Government servant, who has been reduced to a lower grade or post on account of misconduct or inefficiency, is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced counts for increments unless the authority promoting or reinstating him declares that it shall not so count either in whole or in part.

30. *Pay of officiating Government servants*

(1) Subject to the provisions of Chapter VI, a Government servant holding one post substantively who is appointed to officiate in another post shall not draw enhanced pay on account of the officiating appointment unless it is one of those enumerated in the schedule to this rule, or unless it involves the assumption of duties or responsibilities of greater importance than, or

of a different character from, those attaching to the substantive p... :

Provided that the local Government may exempt from the operation of this rule any service other than an all-India ...rvice which is not organized on a time-scale basis and in ... a system of acting promotion from grade to grade is in ...orce at the time of the coming into force of these rules:

Provided further that the Governor General in Council ...y specify posts outside the ordinary line of a service the ...ers of which may, notwithstanding the provisions of this ...le and subject to such conditions as the Governor General in ...ouncil may prescribe, be granted the same pay (whether with ... without the extra allowance, if any, attached to such posts) ... they would have received if still in the ordinary line.

(2) For the purposes of this rule an officiating post shall ... be deemed to involve duties of greater responsibility or of a ...nt character if the officiating post is on the same scale of ... as the substantive post. Any two posts are said to be on the ... scale of pay when they fall within a cadre or a class in a ...dre, such cadre or class having been created in order to fill ...ll posts involving duties of approximately the same character ... degree of responsibility in a service or establishment or group ...of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and ...ot by the fact that he holds that post.

SCHEDULE.

(1) District and Sessions Judges, 1st grade.

(2) Sub-Collectors, 1st grade, in the Madras Presidency.

(3) Selection grade of the Indian Police Service.

(4) Accountants-General, class I.

(5) Chief Engineers, Indian Service of Engineers, State R...ilways.

(6) Selection posts of Collectors of Customs on pay of R... 3,000.

(7) Selection grade on pay of Rs. 2,500 sanctioned for Postmasters-General who are not members of the Indian Civil ...

(8) The following grades in the Telegraph department:—

(a) Deputy Superintendents, Traffic, 1st class.

(b) Deputy Assistant Engineers, 1st class.

(c) Deputy Assistant Electricians, 1st class.

(9) Commissioners, 1st grade, in the Bombay Presidency.

Orders of the Government of India regarding the first proviso under rule 30(1).

1. In the case of ministerial and other establishments in which there are no grades in the sense in which the word is used in the Civil Service Regulations, the proviso is intended to cover, where necessary, all cases of the grant of acting allowances from one fixed rate of pay to another without change of duty in other than all-India services This applies also to the case of ministerial and other establishments not organized on a time-scale basis in which the rates of pay are progressive.

[*Government of India, Finance department letter no.* 738-C *S.R., dated the* 13*th July,* 1922, *and G. O. no. A*-4283/*X*—534(9), *dated the* 2*nd September*, 1922.]

Orders of the Local Government under the first proviso to rule 30(1).

2 The conditions of rule 30 shall not apply to the services mentioned below until such time as they are next reorganized Officiating promotion will continue therefore to be made from grade to grade as hitherto, except that in respect of the services marked with an asterisk officiating promotion will be permissible only on occasions and under conditions in which sub. *pro tem* promotion would be admissible under paragraph 5 of the orders of the Local Government under rule 35

Public works department.

1. Upper and lower subordinates *

2 Deputy magistrates, zilladars and amins in the revenue department *

Forest department.

Rangers, deputy rangers, foresters and forest guards

Revenue.

1 Tahsildars and naib-tahsildars.*
2. Sadar kanungos *
3. Supervisor kanungos *
4. Patwari school teachers and assistant teachers *

Agriculture department.

1. Subordinate agriculture service *
2. Field men.*

Jail

Jailors, deputy jailors and assistant deputy jailors.*

Registration

Sub-registrars.*

Police.

1. Inspectors and sub-inspectors.*

2 Head constables.*
3 Sergeants *

Educational.

1. Deputy and sub-deputy inspectors of schools.*
2. Drill instructors in the Government high and normal schools.*
3. Teachers of model schools (boys).*

Excise.

Excise inspectors.*

[*G. O. no A-1270/X—531(9), dated the 7th March,* 1922.]

31. Subject to the provisions of rules 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post. If, however, the presumptive pay of the post, whether permanent or temporary, which he holds substantively is greater than the presumptive pay of the new post, he will draw pay equal to the presumptive pay of his substantive post

Note.—If the post in which a Government servant officiates is tenable by a Government servant of any one of several grades or classes in a cadre and the fixation of the pay of all such grades or classes is within the competence of the local Government, the local Government may permit the officiating Government servant to draw the pay of any one of such grades or classes

Audit instructions regarding rule 31.

1. The pay of a Government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the pay which he would from time to time receive if he held the post substantively.

2. The pay of a Government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is the reduced pay.

32. A Government servant officiating in a post on a time-scale draws as initial pay the stage of the time-scale next above his substantive pay, if any; provided that, if he has previously officiated in the post or in a post in the same cadre on the same time-scale, his initial pay shall not be less than the pay which he drew when last officiating. All officiating service in any stage of the time-scale, whether continuous or not, counts for increment in that stage. If the presumptive pay of the Government servant's substantive post any time exceeds the pay calculated under this rule, he will draw pay equal to that presumptive pay.

Note—In cases where the fixation of the time scale of pay is within the competence of the local Government, the local Government may permit the officiating Government servant to draw as initial pay any stage of the time scale

Audit instruction regarding rule 32.

1. A time-scale is generally attached to a particular cadre or class in a cadre, or a time-scale may be of recent introduction, whereas the class to which it is attached may have been in existence before the time-scale came into force, with a different rate of pay attached to it. If a Government servant has officiated in the cadre or class prior to the introduction of the new time-scale and has drawn during the officiating tenure salary equal to a stage or intermediate between two stages in a time-scale, then such officiating service may be counted for increment in the same stage, or if the salary was intermediate between two stages in the lower stage

Audit instruction regarding the notes under rules 31 *and* 32

2. These notes provide for cases in which the pay of a post is undetermined because the post may be held by a Government servant in any one of several grades or in any stage of a time-scale. In such cases Local Governments will have full powers to fix the pay of the officiating Government servant up to the maximum which can be drawn by a substantive holder, provided that such maximum is within their powers of sanction Cases in which pay has been fixed on the assumption that the post will be held by a member of a particular service will be covered by these notes as well as rule 33 read with rule 21 If the service concerned is an all-India service, rule 21 will apply. If it is not an all-India service, the local Government will have full powers, provided that the maximum pay of the post is within their powers of sanction.

33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, not exceeding the lowest stage of that time-scale

Audit instruction regarding rule 33.

1 This rule prescribes the initial rate of pay of a Government servant officiating in a post the pay of which has been fixed at a rate personal to another Government servant. If the pay thus personally fixed is on a time-scale, it is not intended that an officiating incumbent should be debarred from drawing increments in that time-scale according to the ordinary rules

34. If a military officer holding substantively a post in a civil department officiates in a military post, he will draw in the military department the emoluments to which he would have been entitled under military rules had his substantive post been a post under the military department.

35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Orders of the Local Government under rule 35.

1 (*a*) A Government servant without a substantive post on a permanent establishment appointed to officiate in a post of which the pay or minimum pay is not less than Rs. 100 *per mensem* is ordinarily entitled to pay equal to half the pay or half the minimum pay of the post.

(*b*) In special cases the pay may, with the sanction of the Head of the department, be raised to an amount not exceeding the pay admissible under rules 31 and 32 This power may, however, be exercised by Heads of departments only in respect of non-gazetted posts under their control.

2 The following provisions apply to Government servants appointed to officiate in posts in subordinate services in which time-scale rates of pay have not been introduced :—

(i) A Government servant with a substantive post on a permanent establishment officiating in another post is entitled to an additional pay of one-fifth of the pay of the post, provided that except in the case of forest rangers, deputy rangers, foresters and forest guards, no Government servant may be appointed to officiate in a higher grade of his own class.

Note—A section-writer or a press servant who is paid for piece work is for the purpose of these orders held to be a Government servant without a substantive post.

(ii) For the purpose of these orders the pay of a post which belongs to a graded class is the average pay of the grades calculated without reference to the number of posts in each grade; but the officiating Government servant's pay shall not exceed the pay of the lowest grade unless he belongs to another department and is specially appointed to officiate in a grade other than the lowest. The provisions of this sub-paragraph [illegible] orary acting promo- [illegible] is so as to give the [illegible] ate of pay than his [illegible] to hold but for the officiating appointment.

Note—This rule does not apply to forest rangers, foresters and forest guards.

3 The following provisions are applicable to Government servants holding or officiating in posts to which progressive rates of pay were attached before the introduction of the Fundamental Rules and which have not been declared to be on a time-scale basis. They will be applied till such time as revised rates of pay are introduced.

Note.—Under rule 9(31) 'time-scale pay' includes the class of pay known as 'progressive' before the introduction of the Fundamental Rules. In this paragraph the term 'progressive pay' is used in contradistinction to 'time-scale pay' and in the sense in which it was understood before the Fundamental Rules came into force.

(i) A Government servant whose substantive pay is progressive and who officiates in a post of which the pay is fixed is entitled to an additional pay calculated under para. 2 (i) above, as if his substantive pay were a fixed one equal to the amount at which from time to time it stands.

(ii) A Government servant whose substantive pay is fixed and who officiates in a post of which the pay is progressive is entitled to an additional pay calculated under para. 2 (i) above, upon the pay to which he would from time to time have risen if he had held the officiating post substantively.

(iii) The pay of a Government servant whose substantive pay is progressive and who officiates in a post of which the pay is progressive is regulated as follows:—

(*a*) he draws his substantive pay with the increments as they fall due,

(*b*) he also draws the additional pay to which he would be entitled under para 2(i) above if the substantive and officiating posts were both on fixed pay equal to the minimum of the respective posts

Note 1.—The maximum limit of pay admissible under this clause is the substantive pay of the officiating servant or the pay in the officiating post to which he would have risen if his officiating tenure had been substantive, whichever is greater

Note 2.—No Government servant should be appointed to officiate in a post carrying a progressive rate of pay the average of which is less than that of his substantive post, save for special reasons of a public nature to be recorded by the appointing authority.

Note 3.—When calculating the pay of a Government servant officiating in a post the whole of the officiating tenure, whether continuous or not, should be taken into account.

4 The pay of Government servants appointed to officiate as stenographers may be regulated at the discretion of the sanctioning authority under rules 31 and 32 instead of under paragraphs 2 and 3 above.

5. A Government servant may be appointed substantively *pro tempore* on the pay admissible under rules 31 and 32 in place of a Government servant who draws no part of the pay of his post or a Government servant on deputation out of India or holding a temporary post, provided that the deputation or the temporary post lasts for six months or more. The full pay of the post of the Government servant thus appointed substantively for a time may in like manner and upon the same condition be given to a Government servant similarly appointed to that post.

6. (i) A Government servant appointed to officiate in a post is not entitled as a matter of course to the pay ordinarily admissible under the rules. In every case the authority making the officiating appointment

will fix the pay to be drawn having regard to the status of the officiating Government servant in his own substantive post, if any, and the extent of increased duties and responsibility which he is called upon to undertake in the officiating post.

(ii) When the appointing authority decides that the officiating incumbent should draw a less rate of pay than is admissible under the rules or under other orders of Government on the subject, a copy of the order should be furnished to the Principal Auditor except where the post is non-gazetted and the appointing authority is himself the head of the office to which the Government servant is appointed; in the absence of such an order the Principal Auditor will assume that no reduced rate of pay has been fixed.

7. A Government servant officiating in a post is not entitled as a matter of course to draw in full any compensatory allowances attached to it. The appointing authority should decide in each case the amount of the allowances to be drawn by the officiating incumbent. The procedure in regard to the fixation of pay laid down in paragraph 6 above should also be followed in the case of compensatory allowances.

Audit instruction regarding rule 35.

8. One class of cases falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under rule 9 (6)(*b*).

37. *Personal pay.*—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

38. *Pay of official members of the Indian Legislature.*—A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor General in Council may fix.

Audit instruction regarding rule 38.

1. When a Government servant is nominated as a member of the Legislative Assembly or the Council of State, it is permissible for the

Local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto Officiating arrrangements can then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters.

39. *Pay of temporary posts.*—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to—

(*a*) the character and responsibility of the work to be performed, and

(*b*) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Audit instruction regarding rules 39 *and* 40.

1. Under the Fundamental Rules special duty or deputation in India will not be recognized A temporary post will be created for the performance of that duty If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then rules 39 and 49 will apply.

41. A person appointed to a temporary post will draw the pay of that post

42. *Subsistence grants.*—A local Government may make a subsistence grant to a Government servant in the following circumstances :—

(*a*) To any Government servant other than a military officer, while under suspension.

(*b*) To any Government servant appointed in the United Kingdom, up to a maximum of two months, if, on first arrival in India, he is prevented by illness from proceeding to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct.

43. The amount of subsistence grant shall be regulated as follows :—

(*a*) In the case of—

(*i*) a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules, or

(*ii*) any other Government servant receiving subsistence grant under rule 42(*b*).

it shall be such as the Secretary of State in Council may by general order prescribe.

(*b*) In the case of any Government servant under suspension other than a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, it shall be such as the suspending authority may direct, but shall in no case exceed one-fourth of the pay of the suspended Government servant.

Orders of the Secretary of State in Council under clause (a) of rule 43.

1. The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India	Amount of the grant.		
	If drawn out of Asia		If drawn in Asia.
	£		Rs
Not more than 8 years	33⅓	or the amount of leave-salary to which he would be entitled if he were on leave on half average pay, whichever is less.	333⅓
More than 8 but not more than 12 years	42⅔		426⅔
More than 12 but not more than 16 years	53⅓		533⅓
More than 16 years . ..	66⅔		666

2. The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in paragraph 1 above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less.

[*Government of India, Finance department, resolution no* 421-*C.S.R , dated the* 10*th May*, 1922.]

Local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto. Officiating arrrangements can then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters.

39. *Pay of temporary posts.*—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to—

(*a*) the character and responsibility of the work to be performed, and

(*b*) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Audit instruction regarding rules 39 *and* 40.

1. Under the Fundamental Rules special duty or deputation in India will not be recognized A temporary post will be created for the performance of that duty If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then rules 39 and 49 will apply

41. A person appointed to a temporary post will draw the pay of that post

42. *Subsistence grants.*—A local Government may make a subsistence grant to a Government servant in the following circumstances :—

(*a*) To any Government servant other than a military officer, while under suspension.

(*b*) To any Government servant appointed in the United Kingdom, up to a maximum of two months, if, on first arrival in India, he is prevented by illness from proceeding to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct.

CHAPTER V.—ADDITIONS TO PAY.

44. *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

Note—Compensatory allowance does not include the grant of a free passage to or from the United Kingdom, which requires the general or special sanction of the Secretary of State in Council, nor, for the purpose of this rule, does it include a sumptuary allowance

Orders of the Secretary of State in Council under rule 44.

1. The Secretary of State in Council has reserved to himself the power of sanctioning the grant to Government servants of exchange compensation allowance; and has issued the following orders regarding the conditions under, and the rate at, which exchange compensation allowance may be drawn —

(1) In these orders—

(a) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.

(b) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling and six pence.

(c) *Quarter* means a period of three months ending on the 31st March, the 30th June, the 30th September or the 31st December.

(2) The following classes of Government servants may draw exchange compensation allowance :—

(a) Members of the Indian Police Service, recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.

(b) Government servants who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.

(c) Any other Government servant whom the Secretary of State in Council may declare to be eligible for the allowance.

(3) The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which one-half of his pay falls short of the sum which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling and six pence; provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250 converted into rupees at the rate of one shilling and six pence falls short of the rupee equivalent of the same sum when converted at the current rate of exchange.

(4) (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension

(b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

Note—In the case of a Government servant who had more than four months' privilege leave at his credit on the 1st January, 1922, the allowance is admissible during a corresponding period

[*Government of India, Finance Department, resolution no.* 2657-*F E*, *dated the* 19*th December*, 1922, *and Government of India, Finance Department, letter no* 1612-*F E*, *dated the* 5*th July*, 1923]

Audit instruction regarding paragraph (3) *of the above orders.*

2 The word "drawn" in paragraph (3) of the orders of the Secre- of State should be interpreted as "earned."

Audit instructions regarding rule 44.

3 No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with restrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay, and that on which it is notified, unless it is clear that there has been an actual change of duties.

4. A Government servant transferred from one province to another will draw travelling allowance for the journey according to the rules in force at the time of transfer in the province to which he is transferred.

5. Hill allowances fall under "Compensatory allowances" Local Governments have powers to sanction them under rule 44.

6. The note to this rule does not restrict the power of the Government of India or a provincial Government to grant free passages to and from the United Kingdom to a non-official recruited by them in the

United Kingdom on a temporary basis, whether under a formal contract or not, in a case in which according to the interpretation of the expression "temporary post" occurring in the Central and Provincial (Reserved) Audit Resolutions and in Schedule III of the Devolution Rules as given in a separate Audit Instruction, the Secretary of State's sanction is not required to the temporary appointment

45. *Provision of residences.*—When Government supplies a Government servant with a residence leased, acquired or constructed at Government expense, the following conditions shall be observed :—

(*a*) The scale of accommodation supplied shall not exceed that which is appropriate to the status of the occupant.

(*b*) Save in the circumstances mentioned in clause (*c*) below, the occupant shall pay rent for the residence, and such rent shall not exceed the standard rent which the local Government may fix for the residence, or 10 *per cent.* of the occupant's emoluments, whichever is less. Emoluments, for the purpose of this rule, include compensatory allowance other than travelling allowance, whether drawn from general revenues or from a local fund, and pension. if the occupant is in receipt of pension.

Note—The standard rent shall be calculated as follows :—

(*i*) In the case of leased residences, it shall be the sum paid to the lessor, *plus* such allowance for maintenance and repairs, if these are a charge on the local Government, as the latter may fix.

(*ii*) In the case of residences acquired or constructed by Government, it shall be calculated on the cost of acquiring or constructing the residence, including any capital expenditure incurred after acquisition or construction, together with the cost or assessed value of the site, and shall be a percentage of its cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, *plus* such allowance for maintenance and repairs as the local Government may fix.

Orders of the Secretary of State under rule 45 (b), *note* (ii).

1. The rate of interest to be applied in calculating the rent of a house which may be occupied for the first time after the 19th June, 1922, shall be the rate* which is in force, as the standard of return from productive irrigation works, at the time of the acquisition or construction of the house. The basic interest rate on which rents for houses previously occupied have been calculated may remain unaltered, unless in any case they are higher than that now prescribed for houses occupied hereafter.

* These rates are as follows :—
(*a*) Before the 1st April, 1919, 4 *per cent.*
(*b*) From the 1st April, 1919 to the 31st July, 1921, 5 *per cent.*
(*c*) From the 1st August, 1921, 6 *per cent*

2. For the purpose of assessing rent, the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

[*Government of India, Finance department, letter no. 1061-E.B., dated the 4th September, 1922.*]

Audit instruction regarding rule 45 (b), *note* (ii).

3. The rates of interest given in the following table should be applied in calculating the standard rent of residences under note (ii) to clause (*b*) of rule 45 :—

Date of acquisition or construction of the residence	*Rate of interest.* Buildings occupied on or before the 19th June, 1922.	Buildings occupied after the 19th June, 1922.
1	2	3
Before 1st April, 1919	3½ per cent ..	4 per cent.
1st April, 1919 to 31st July, 1921	3½ „ ..	5 „
1st August, 1921 to 31st December, 1921 .	3½ „ ..	6 „
From 1st January, 1922 until further orders ..	6 „ ..	6 „

Note.—The date of construction referred to in column (1) of this table should be [illegible] ate for the construction of the resi- [illegible] ns and alterations to residences the [illegible] the date on which the accounts of [illegible]

(*c*) Nothing contained in clause (*b*) above shall operate to prevent a local Government from—

(*i*) taking in any particular area a uniform percentage of emoluments, not exceeding 10 *per cent.*, as rent from each Government servant supplied with a residence; provided that, if the uniform percentage taken is less than 10 *per cent.*, the total amount of the standard rent fixed for all residences supplied in that area is thereby recovered; or

(*ii*) taking from any Government servant, who is in receipt of a compensatory allowance granted on account of dearness of living, a rent in excess of 10 *per cent.* of his emoluments.

(*d*) A local Government may make rules prescribing the principles on which rent shall be assessed in the case of Government servants who are supplied

with residences in more than one station, or who, owing to the nature of their duties, occupy Government residences for a part only of the year: provided that—

(i) a Government servant, to who more residences than one are allotted, shall not pay less rent for the total period of occupation in any one year than 10 *per cent.* of his emoluments for that period, or the total of the standard rents for the period of occupation of each house, whichever is less; and

(ii) a Government servant to whom a Government residence is allotted for a part only of the year shall not pay less rent than the amount calculated on that residence under clause (b) above for the period of occupation.

For rules made by the Local Government under clause (d) of this Rule, see part II of this volume, chapter IV.

(e) A local Government may, in very special circumstances for reasons which should be recorded, waive or reduce the amount of rent to be recovered, or grant rent-free accommodation to Government servants who are required to occupy particular houses in order to ensure the proper performance of their duties.

(f) The limit of 10 *per cent.* prescribed under clause (b) and the uniform percentage of emoluments mentioned in clause (c) above have reference to the rent of the building only. Adequate additional rent should be charged for furniture, water-supply and sanitary, heating and electric installations, if these are supplied. Such charges should not be foregone, except in very special circumstances, for reasons which should be recorded.

Orders of the Government of India regarding rule 45.

1 This rule applies also to Government servants on leave. A Government servant on leave therefore becomes liable to any alteration in rent that may be sanctioned during the period of leave.

[*Government of India Finance department letter no. F-259-C.S.R.—24, dated the 3rd January,* 1925.]

46. *Honoraria.*—A Government servant may be granted an honorarium from general revenues, or permitted to receive an honorarium or a recurring or non-recurring fee from a private person or body, or from a public body, including a body administering a local fund, or from an Indian State, in return for work performed either within or outside the course of his ordinary duties, when the work is of such exceptional merit or of such an arduous or peculiar nature as to justify a special reward. The reasons for the grant of the honorarium or fee shall be recorded in writing by the sanctioning authority.

Audit instruction regarding rule 46.

1. [illegible]
in writin [illegible]
be carefu [illegible]
tunity of intervention if it be deemed necessary. Audit officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

47. A local Government may make rules fixing the amounts which may be sanctioned as honoraria or fees by the authorities subordinate to it and specifying the conditions under which they may be granted or accepted.

Note.—This rule does not apply to the acceptance of honoraria or fees by medical officers in civil employ, which shall be governed by such orders as the Secretary of State in Council may issue in this behalf.

Audit instruction regarding note under rule 47.

1. The honoraria and fees referred to in this note appertain to work done in a professional capacity and should be governed by the existing rules in article 74 (*d*), Civil Service Regulations, till they are modified. If a medical officer in civil employ performs work such as the conduct of a university examination, such work is not professional, and the fees payable therefor should be granted by subsidiary rule 27, part II of this volume.

For rules made by the Local Government under this rule, see part II of this volume, chapter V.

48. Any Government servant is eligible to receive without special permission (*a*) the premium awarded for an essay or plan in public competition, or (*b*) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice; and also any remuneration or reward payable under any special or local law or in accordance with the provisions of any Act or regulation or rules framed thereunder.

CHAPTER VI.—COMBINATION OF APPOINTMENTS.

49. A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows :—

(a) The highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;

(b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay of the post, as the local Government may fix; and

(c) if a compensatory allowance is attached to one or more of the posts he draws such compensatory allowance as the local Government may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

Audit instruction regarding rule 49.

1. This rule requires that such pay as may be considered " reasonable " in the circumstances may be given; half the presumptive pay of the post is not therefore to be regarded as the amount normally permissible.

CHAPTER VII.—DEPUTATION OUT OF INDIA.

50. Unless the Secretary of State in Council by general or special order otherwise direct, no deputation of a Government servant out of India shall be sanctioned without previous reference to the Secretary of State in Council.

51. When a Government servant is with proper sanction so deputed, his pay and allowances shall, unless the Secretary of State in Council in any particular case otherwise direct, be regulated by the Governor General in Council as follows:—

(*a*) If the deputation is declared by the Governor General in Council to be under *quasi*-European conditions, the Government servant deputed shall be granted not more than two-thirds of the pay which he would draw if he were on duty in India. The Governor General in Council may relax the limit of two-thirds in the case of a Government servant of Indian domicile. A compensatory allowance also may be granted by the Secretary of State in Council if the deputation is to Europe or America, or in other cases by the Governor General in Council.

(*b*) If the deputation is declared not to be under *quasi*-European conditions, the emoluments of the Government servant deputed shall be determined by the Governor General in Council with due regard to the provisions of rule 40 above as though a temporary post had been created.

With effect from the 13th July, 1922, the sterling equivalent of the pay granted under clauses (*a*) and (*b*) of this rule to a Government servant during deputation shall be calculated at the market rate of exchange subject to a minimum of 1*s*. 6*d*. per rupee.

Orders of the Secretary of State under rules 50 *and* 51.

1. The Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in foreign service, on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues

2. The Government of India, or, in cases in which the cost is met from provincial revenues, a local Government, may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business which is part of his duty as a police officer; and may grant to the officer so deputed—

(a) full pay for the entire period of absence from India, with

(b) actual travelling expenses and a subsistence allowance not exceeding the following scale while in any country outside India:—

	s. d.	
For an officer of the inspector class .	22 6	a day.
" " constable " ..	15 0	"
" " sergeant "		

A local Government may delegate its powers under this rule to officers of a rank not lower than Deputy Inspectors-General of Police or Commissioners of Police in the presidency towns and Rangoon.

[*Government of India, Finance Department resolutions nos.* 633 *and* 1224-*C.S R., dated the* 22*nd June and* 10*th November*, 1922.]

Audit instruction regarding rules 50 *and* 51.

3. The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it; or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty.

CHAPTER VIII.—DISMISSAL AND SUSPENSION.

52. The pay and allowances of a Government servant who is dismissed from service cease from the date of such dismissal.

53. A Government servant under suspension is entitled to the following payments :—

(a) If a military officer in civil employ, to the pay and allowances of the military rank.

(b) In any other case, to subsistence grant.

Orders of the Government of India regarding rule 53(b).

1. The suspending authority has discretion under rule 43(b) to fix the amount of subsistence grant at such figure as he may think fit subject to the prescribed maximum, but he has not authority to refuse a subsistence grant altogether in any case which falls under clause (b) of this rule.

[*Government of India, Finance department, letter no. F.*-157-*C. S. R., dated the* 9*th September*, 1924.]

54. When the suspension of a Government servant as a penalty for misconduct is, upon re-consideration or appeal, held to have been unjustifiable or not wholly justifiable; or

when a Government servant dismissed or suspended pending enquiry into alleged misconduct is, upon re-consideration or appeal, reinstated,

the revising or appellate authority may grant to him for the period of his absence from duty—

(a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or suspended and by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or suspension, or

(b) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of suspension or dismissal will be treated as a period spent on duty. In a case falling under clause (b) it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

55. Leave may not be granted to a Government servant under suspension.

CHAPTER IX.—COMPULSORY RETIREMENT AND RESIGNATION OF OFFICE.

56. (*a*) Except as otherwise provided in this rule, a Government servant, other than a ministerial servant, is required to retire on attaining the age of 55 years He may be retained in service after that age with the sanction of the local Government on public grounds, which must be recorded in writing; but he must not be retained after the age of 60 years except in very special circumstances.

(*b*) A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing and with the sanction of the local Government.

(*c*) The following are special rules applicable to particular services :—

(*i*) A member of the Indian Civil Service, who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in India; provided that, if he has held his post for less than five years, he may, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

(*ii*) A member of the Indian Civil Service, who is a Judge of a Chief Court, must retire on attaining the age of 60 years.

(*iii*) In the case of the officers specified in rule 98 below and of the Legal Remembrancer and Secretary to the Legislative Council of the Punjab if he fulfils the conditions prescribed in that rule, the age-limit is 60 years.

(*iv*) A Civil Engineer in the Public Works or Railway department must retire on reaching the age of 55 years, and may be required by the Governor General in Council to retire on reaching the age

of 50 years if he has not attained to the rank of Superintending Engineer; provided that, in the case of Chief Engineers, the local Government may, *in special circumstances which should be recorded in writing*, grant an extension of service not exceeding three months.

(*v*) *A civilian in the* Superior Railway Revenue Establishment or the Superior Establishment of the Telegraph department *must retire on reaching* the age of 55 years

... to members of the first and second divisions of ...her than officers of the old Superior Telegraph ... division of the Superior Telegraph Engineering is *governed by clause (a) of this rule*

(*vi*) The Bishops of Lahore, Rangoon, Lucknow, and Nagpur, *though* borne on the cadre of the Indian Ecclesiastical *department*, *are not subject to any* rule requiring their retirement at a particular age.

(*vii*) The following provisions are applicable to military officers in civil employ :—

(1) *Officers of the Indian Medical Service must retire from civil employ at the age of* 55 years, provided that—

1 a Director-General of the Indian Medical Service may remain in service up to the age of 60 years;

2 Surgeons-General and Inspectors-General of Civil *Hospitals may remain in civil employ up to the* age of 57 years; and

3 a Lieutenant-Colonel who entered the service before the 1st April, 1911, and was specially selected for increased pay on or before the 16th February, 1921, may remain in civil employ till he completes 30 year's service; but if he is specially selected for increased pay, after the 16th February, 1921, he shall be retired on attaining the age of 55 years, unless he has not completed 27 years' service for pension, in which case he may be retained until he completes such period of service.

(2) Military officers in the ... o... ...lia department *cease to be in civil* ... on ...ng the age of

55 years unless granted an extension by the Secretary of State in Council.

(3) Military commissioned officers serving in the Public Works or Railway department cease to be in civil employ under the same conditions as govern the retirement of Civil Engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that if he is holding a post of Chief Engineer, he may, with the sanction of the Governor General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation

(4) Military officers serving in any department, other than those mentioned in (1) to (3) of this subclause, cease to be in civil employ on reaching the age of 55 years, but any such officer, being a military commissioned officer and having held his post for less than five years, may, for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period

Note 1—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King-Emperor of India or by the Governor General in Council with His Majesty's approval

Note 2—For the purpose of sub clauses (i), (*vii*) (3) and (*vii*) (4) *of clause* (*c*) of this rule officiating tenure of a post shall be inclu[illegible] in calculating the period of five years.

Note 3—The grant under rule 86 of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires

Orders of the Government of India regarding rule 56.

1. The provisions of clause (*c*) (*vii*) (1) 1 and 2 of this rule are not applicable to officers of the Indian Medical Service promoted prior to the 13th June, 1919, unless such officers have elected to come under the Royal Warrant, dated the 13th June, 1919, in accordance with paragraph [illegible] of Government of India, Army department, notification no. 2649, dated the 15th August, 1919.

[*Government of India, Medical department, letter no. 474, dated the 2nd July, 1922.*]

2. In the case of officers of the Indian Medical Service [illegible] not elected to serve under the amended rules for retirement, [illegible] Royal Warrant dated the 13th June, 1919, the ages [illegible]

old rules may be taken as the date of compulsory retirement instead of those in clause (*vii*) (1) of this rule.

3. In the case of an administrative medical officer who reaches the age of compulsory retirement before the expiry of his tenure of service or who completes his tenure of service before he has reached the age for compulsory retirement, six months' leave under rule 86 may be granted provided that in no case the officer is allowed to draw pension before the termination of his leave.

[*Government of India, Medical department, letter no* 132, *dated the 7th March*, 1923.]

Audit instructions regarding rule 56.

4. When a Government servant is required to retire, revert or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval.

5. The period of five years referred to in clause (*c*)(*i*) of this rule begins to run from the date on which the Government servant first takes up the office, whether substantively or temporarily; provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of five years.

6. The law officers referred to in clause (c)(*iii*) of this rule and to whom the old rules in Chapter XXIV, Civil Service Regulations, applied on the 25th June, 1901, are exempt from compulsory retirement at 55 years of age.

7. The period of five years referred to in clause (*c*)(*vii*) (3) of this rule begins to run from the date on which the Government servant first becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity; provided that, if officiating, he is confirmed in the post without a break of service.

8. The period of five years referred to in clause (*c*)(*vii*) (4) of this rule begins from the date on which the Government servant first takes up the office, whether substantively or temporarily; provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of 5 years

57. The resignation of his office by a member of the Executive Council of the Governor General, of a Governor or a Lieutenant Governor shall take effect from the date following that of

his embarkation at any port in India other than Aden, or from the date of expiry of five years' tenure of office, or from the date of his successor's entry upon office, whichever of these dates be earliest. His five years' tenure shall begin from the date on which he first entered upon office, whether as a temporary member appointed in India or after the issue of His Majesty's warrant of appointment, but shall not include any period, other than a period spent on leave, during which he draws less than full pay.

PART IV

CHAPTER X.—LEAVE.

SECTION I.—EXTENT OF APPLICATION

58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the Fundamental Rules as a whole apply, provided that it shall be open to any person who is in Government service at the time when the Fundamental Rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the local Government or the Governor General in Council, as the case may be, within six months of the date on which the Fundamental Rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter The option once exercised is final.

Note—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

Orders of the Government of India regarding rule 58

1. As an inducement to Government servants to accept the leave rules in these rules, the Government of India have obtained the consent of the Secretary of State to the grant of the following concession On the first occasion after the 1st January, 1922, on which any Government servant who accepts the new rules takes leave, he will be permitted, at his option, to draw, during that portion of his leave which corresponds to privilege leave, the pay of the post on which he holds a lien, instead of his average pay without limit

The term " lien " should for this purpose be interpreted in the more liberal sense in which it is used in the Civil Service Regulations and not in the limited sense in which it is used in the Fundamental Rules.

[*Government of India, Finance department letters nos.* 1079 *and* 765-*C.S R., dated the* 26*th October*, 1921 *and the* 15*th July*, 1922]

2. Government servants transferred to foreign service before the 1st January, 1922 are entitled to take the benefit of the leave rules contained in Chapter X if they have not exercised the option given by rule 58 In such cases—

(i) their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary, and

(ii) the existing obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

Note—The expression pay in foreign service" in clause (i) above means the pay drawn in foreign service less such part of it as may be paid as contribution. In the case of Government servants who are exempted from the payment of contribution, leave salary should be based on the actual pay in foreign service without regard to the contribution which would have been paid but for the exemption

[*Government of India, Finance department resolution no.* 35-*E.B.*, *dated the* 18*th January*, 1922, *and endorsement no* 1185-*E.B.*, *dated the* 29*th September*, 1922]

Audit instructions regarding rule 58.

3 A Government servant on leave on the 1st January 1922, who does not take advantage of the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January, 1922 is to be regarded as coming under the new rules with effect from the date of his return from leave, unless he elects to remain under the old rules within six months of his return from leave.

4. The words Government servants to whom the Fundamental Rules as a whole apply " used in this rule are intended to mean " Government servants referred to in rule 2."

5. The expression " that portion of leave which corresponds to privilege leave " occurring in paragraph 1 above should be interpreted to mean, in the case of leave taken after the 1st January, 1922, the first four months of any period of leave on average pay or any longer period of leave during which note 1 under rule 89 makes maximum limits of average pay inapplicable. Such leave is in all other connections being treated as though it were privilege leave and may be treated similarly in this connection also

6 The phrase " the first occasion hereafter on which any Government servant takes leave" appearing in paragraph 1 above should be interpreted to refer, in the case of a Government servant who was on leave on the 1st January, 1922, and who postpones coming under the Fundamental Rules till after his return from leave, to the first occasion on which he takes leave under the Fundamental Rules. In the case of a Government servant who has exercised the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules

with effect from the 1st January, 1922, he may do so without reference to the concession of drawing during "leave corresponding to privilege leave" the pay of the post on which he has a lien, but will be entitled to enjoy that concession on the next occasion on which he takes leave thereafter, subject however to the proviso that, if he definitely asks that the substituted leave from the 1st January, 1922 should be reckoned as the first occasion on which he takes leave under the Fundamental Rules, his request should be complied with.

59. *Leave is earned under sections I to V of this chapter* by a Government servant holding substantively a permanent post in civil employ, or holding a lien on such a post

Audit instructions regarding rule 59.

1 A Government servant who has been detached for other duty and whose lien on his substantive post has been suspended under rules 13 and 14 continues to earn leave under sections I to V of Chapter X of these rules

2. There is no restriction in these rules on the grant to a Government servant on the abolition of his post of such leave as was admissible to him immediately before the abolition of the post. In the case of a Government servant who holds no lien on any post except that which it is proposed to abolish, the correct practice in deciding the exact date from which the post is to be abolished is to defer the date of abolition up to the termination of such leave as may be granted

60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period.

61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(*a*) (*i*) An officer subject, before such appointment, to the Indian Army Leave Rules becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty—

(1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

Note.—This rule also applies to commissioned officers transferred from the Army Veterinary department to the Civil Veterinary department

(*ii*) A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry into permanent civil employ or from the date of his election for continuous Indian service, whichever is later.

(*iii*) A non-continuous service officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(*b*) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules

Orders of the Government of India regarding rule 61.

Administrative medical officers in civil employ come under this rule. They are permitted to take a total of 12 months' leave if due under the Fundamental Rules, during the four years' tenure of an administrative appointment, subject to the limitation of the leave to a portion of eight months on any one occasion. Continuous absence from duty in excess of eight months will involve the vacation of appointment.

[*Government of India, department of Health letter no.* 695, *dated the* 15*th September*, 1923]

62. Except as provided in rule 61, a military officer in civil employ remains subject to military leave rules.

63. When a military commissioned officer subject to these rules is temporarily transferred to military duty, but retains a lien on his post in civil employ, the period of his absence counts as duty for leave under these rules.

64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or

post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in rule 98 below, may count such duty for leave as though it were duty performed in a vacation department; all leave taken during the service concerned being treated as taken under these rules.

65. (*a*) A Government servant who resigns the public service or is discharged from it on reduction of establishment cannot, if re-employed after an interval, count his former service towards leave without the permission of the authority sanctioning the re-employment

(*b*) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, unless the appellate or reviewing authority declares that he shall not so count it in whole or in part.

SECTION II.—GENERAL CONDITIONS.

66. A local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted

For rules made by the Local Government under this rule, see part II of this volume, chapter VI.

67. Leave cannot be claimed as of right. When the exigencies of the public service so require discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation. A local Government may however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time

For rules made by the Local Government under this rule, see part II of this volume, chapter VII.

69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

(a) the Secretary of State, if the Government servant is residing in Europe, North Africa, America or the West Indies; and

(b) the Governor General in Council, or any lower authority empowered to appoint him, if he is residing elsewhere

Note.—This rule does not apply to casual literary work, or to service as an examiner or similar employment nor does it apply to acceptance of foreign service, which is governed by rule 110

70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled—

(a) If the leave from which he is recalled is out of India—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and.

(iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave.

(b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance for the journey, but to draw until he joins his post leave-salary only.

Orders of the Government of India regarding rule 70.

Orders recalling a Government servant from leave out of India should be communicated to him officially through the High Commissioner for India.

[*Government of India, Finance department letter no.* 331-*C.S.R*, *dated the* 29*th February*, 1924.]

71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

Audit instruction regarding rule 71.

1. The term "Government servant" line 1 of this rule applies to a permanent Government servant only

For rules made by the Local Government under this rule, see part II of this volume, chapter VIII.

72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the local Government Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

74. (*a*) Subject to any instructions which may be given by the Governor General in Council in connection with the control of the issue of money from treasuries or by the Auditor-General in India in order to secure efficiency and uniformity of audit, a local Government may make rules prescribing the procedure to be followed in India—

(*i*) in making application for leave and for permission to return from leave.

(*ii*) in granting leave,
(*iii*) in the payment of leave-salary, and
(*iv*) in the maintenance of records of service.

(*b*) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council.

For instructions of the Auditor-General and rules made under this rule by the Local Government and the Governor General in Council, see part II of this volume, chapters IX and X

SECTION III —SPECIAL AND ORDINARY LEAVE RULES

75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules

(2) The following Government servants shall be subject to the special leave rules, namely :—

(*a*) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia .

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege, claimed or been deemed to be a native of India;

(*b*) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July, 1923 had been admitted to the benefits of the European Services Leave Rules under the Civil Service Regulations, or who between the 1st January, 1922 and the 24th July, 1923 held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations; and

(*c*) Any Government servant having at the time of his appointment his domicile in Asia who prior to the 24th July, 1923 held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay

entitled the officer to admission to the benefits of the European Services Leave Rules under the Civil Service Regulations:

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay:

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July, 1923.

Audit instruction regarding rule 75 (2).

1 A Government servant who becomes eligible to the special leave rules while he is on leave under the ordinary leave rules may from the date he becomes so eligible change the balance of his leave to leave under the special leave rules.

75A. For the purpose of clause (2) of rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the schedule* to these rules

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia.

75B. No Government servant who, after his appointment to a service or post, acquires a new domicile shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

75C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him or of the local Government in the case of persons appointed by them, shall be final.

SECTION IV.—GRANT OF LEAVE

76. A leave account shall be maintained for each Government servant in terms of leave on average pay

* See page 99 of this volume

77. (*a*) In the leave account of a Government servant, who on his entry into Government service becomes subject to these rules, shall be credited—

(*i*) If he be under the special leave rules, five-twenty-seconds of the period spent on duty; and

(*ii*) If he under the ordinary leave rules, two-elevenths of the period spent on duty.

(*b*) In the leave account of a Government servant who is already in Government service when he becomes subject to these rules shall be credited—

(*i*) If he be under the special leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date, *plus*

(2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian Service leave rules of the Civil Service Regulations, *plus*

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European Service leave rules; *plus*

(4) five-twenty-seconds of the period spent on duty subsequent to that date ;

(*ii*) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date, *plus*

(3) two-elevenths of the period spent on duty subsequent to that date.

(*c*) In the case of a military commissioned officer who becomes subject to these rules, the credit under (*b*)(*i*)(2) above shall be in respect of the period of his service in India

Note.—A commissioned officer transferred from the Army Veterinary department to the Civil Veterinary department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service

(*d*) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to

his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension.

(e) A statutory civil servant or a Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January, 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules..

Audit instructions regarding rule 77.

1. Fractions of a day should not appear in the leave accounts, fractions below ½ should be ignored and those of ½ or more should be reckoned as one day.

2. Five-twenty-seconds of the period spent on duty should be calculated thus :—

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

3. In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service and to the special leave rules for the remainder of their service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of those periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules will, under rule 77(b) be—(1) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (2) one-twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (3) one-eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules *plus* (4) five-twenty-seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in rule 77(e) should also be allowed subject to the proviso that the total leave so credited under rule 77(b)(ii) should not exceed what would have been admissible had the Government

servant been under the European Service Leave Rules from the beginning of his service.

4. The expression "period spent on duty" in clause (*b*)(*i*)(2) and (*b*)(*ii*)(2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to the 29th July, 1920

5. In the case of a Government servant who after a period of officiating or temporary service was, without interruption of such service appointed substantively to a permanent post, all uninterrupted temporary or officiating service rendered before the introduction of the Fundamental Rules, including any privilege leave taken during such service, may be taken into account in calculating the amount of leave to be credited to a Government servant's leave account. Leave taken under rule 1 in article 336 or rule 2 in article 339, Civil Service Regulations, should not be regarded as constituting an interruption of service for this purpose.

78. The amount of leave debited against a Government servant's leave account is—

(*a*) the actual period of leave on average pay, including any furlough on average salary taken under rules previously in force, and

(*b*) half the period of leave on half or quarter average pay or on leave-salary equal to subsistence grant under the note to rule 88.

Note (1)—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (*a*) above

Note (2)—(*i*) Under (*b*) above are to be debited—

(*a*) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

(*b*) In [illegible] less than full pay [illegible] Leave Rules, [illegible] above

(*ii*) In [illegible] military commissioned officer subject to these rules or a Chaplain on the Indian Ecclesiastical Establishment special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months reckoned in terms of leave on average pay, shall not be so debited

Note (3)—In cases covered by rule 77(*d*) the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in notes (1) and (2) above

79. When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in rule 81(*a*)(*i*).

80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(*a*) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date: *plus*

one-eleventh of the period spent on duty subsequent to that date: *plus*

(*i*) in the case of Government servants under the special leave rules, three years, or

(*ii*) in the case of Government servants under the ordinary leave rules, two and a half years

(*b*) The maximum amount of leave on average pay including any furlough on average salary taken under rules previously in force which may be granted is—

(*i*) to a Government servant under the special leave rules, eight months at any one time, and, in all—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date, *plus*

one-eleventh of the period spent on duty subsequent to that date, *plus* one year

(*ii*) to a Government servant under the ordinary leave rules, four months at any one time, and, in all—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date, *plus*

one-eleventh of the period spent on duty subsequent to that date:

Provided that, in the case of a Government servant subject to the ordinary leave rules, who either takes

leave on medical certificate or spends his leave elsewhere than in India or Ceylon, the maxima prescribed in sub-clause (*i*) of this clause shall apply.

Note.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (*i*) and (*ii*) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(*c*) Leave not due may be granted subject to the following conditions :—

(*i*) on medical certificate, without limit of amount; and

(*ii*) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

Orders of the Government of India regarding rule 81(c)

1. Leave not due under rule 81(*c*)(*ii*) may not be granted to a Government servant unless there is a prospect of his returning to duty and earning leave equivalent to the amount of leave not due which he has taken. This condition does not, however, apply in the case of a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules who takes leave not due up to the maximum limit prescribed in note (2)(*ii*) under rule 78. In the case of a Government servant who is granted leave not due under sub-clause (*ii*) of clause (*c*) of rule 81 and then applies for permission to retire, the period of leave not due should be cancelled and the retirement should take effect from the date of termination of the leave at credit in the Government servant's leave account. If, however, a Government servant is granted leave under sub-clause (*i*) of clause (*c*) of the rule, and it is subsequently found that he is unfit to return to duty, he should be regarded as having retired at the expiration of the period of leave granted under the recommendation of the Medical Board.

[*Government of India, Finance department letter no. F 42-C.S.R., dated the 23rd August, 1924.*]

(*d*) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months.

(*e*) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on

duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Audit instructions regarding rule 81.

1. (*i*) Under the proviso to sub-clause (*ii*) of this rule, if a Government servant on leave under the ordinary leave rules produces a medical certificate or proceeds out of India or Ceylon during his leave, the period of leave on average pay that may be granted in excess of the period up to four months ordinarily admissible should be limited to the period actually covered by the medical certificate or spent elsewhere than in India or Ceylon subject to the total maximum limit of eight months on average pay admissible at one time.

(*ii*) If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay either by the production of a medical certificate or by a Government servant proceeding out of India or Ceylon, the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India or Ceylon. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay should be treated, for convenience, as continuous and followed by the leave on half average pay

2 The limit of 28 months of continuous absence prescribed in this rule includes the period of vacation, if any, with which leave is combined.

3. (*i*) In the case of a Government servant subject to the ordinary leave rules two *pro forma* accounts of leave on full average pay will have to be kept, one which includes leave on medical certificate or spent outside India or Ceylon and the other which excludes such leave. Assuming the privilege leave at credit of a Government servant on the 1st January, 1922, to be " x " the 1/11th of the period spent on duty subsequent to that date to be " y " and the additional year referred to at the end of clause (*b*) (1) of rule 81, or any less period which alone he may have at his credit as " z " two accounts will have to be kept—

(1) for x y z which may be called account " A " and

(2) for x y which may be called account " B "

All leave on full average pay should be debited to account " A " and whenever the Government servant proceeds on such leave on medical certificate or outside India or Ceylon it should be seen that this account is not overdrawn. Leave without medical certificate spent in India or Ceylon should alone be debited to account " B " and whenever such leave is granted it should be seen that neither this account nor account " A " is overdrawn.

(ii) In preparing leave account "A," "z" is always the actual amount of leave on average pay taken on medical certificate or outside India and Ceylon subject to a maximum of one year. When an application is received for leave on average pay on medical certificate or outside India or Ceylon it must be seen that the amount asked for *plus* the amount already taken does not exceed "one year."

(iii) It is not necessary that the two *pro forma* accounts of leave on average pay should be opened on separate pages of the leave account. The column "Leave taken on average pay" in the prescribed form can be used for account "A" referred to above, account "B" being worked out in any spare space available either in the last column or elsewhere.

4. The expression "continuous absence from duty on leave" occurring in clause (*d*) of this rule does not include absence on extraordinary leave.

82. The following provisions apply to vacation departments only :—

(*a*) A local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

For rules made by the Local Government under this rule, see part II of this volume, chapter XI

(*b*) Vacation counts as duty, but the periods of total leave in rules 77, 81(*a*) and 81(*b*) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(*c*) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in rules 77 and 81(*a*), as reduced by clause (*b*) of this rule may be increased by one month for every two years of duty in a vacation department.

(*d*) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as

leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Audit instructions regarding rule 82.

1. (i) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under this rule is intended to be made in respect of leave earned and vacation taken from the 1st January, 1922.

(ii) Thus, in the case of Government servants of vacation departments, the leave credited to their leave account under rule 77 will be—

(1) privilege leave at their credit on the 1st January, 1922, i.e., privilege leave earned under article 272 or 275, Civil Service Regulations, *plus*

(2) one-eighth (or one-twelfth) of the period spent on duty or vacation (or privilege leave) up to the 31st December, 1921, *plus*

(3) five-twenty-seconds (or two-elevenths) of the period spent on duty or vacation from the 1st January, 1922.

From this a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after the 1st January, 1922. Similarly the total leave admissible under rules 81(*a*) and 81(*b*) will be reduced by one month for each year of duty in which the vacation is taken after the 1st January, 1922.

2. The amount credited to the leave account under this rule as well as that added to the maximum under rule 81(*a*) should be the actual amount of additional leave taken under this rule and not the total amount theoretically permissible, viz., one month for every two years of duty

83. (*a*) On the conditions specified in clauses (*b*), (*c*) and (*d*) *of this rule, a local Government may grant special disability leave to a Government servant who is disabled by injury or* illness—

(*i*) in the performance of any particular duty which has the effect of increasing his liability to injury or illness beyond the ordinary risk attaching to the civil post which he holds; or

(*ii*) in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(b) The grant of special disability leave is subject to the following conditions:—

(i) The disability must be certified by a medical board to be directly due to the performance of the particular duties or to the holding of an official position.

(ii) The disability must ordinarily have manifested itself within three months of the performance of the duties or of the occurrence to which it is attributed, and the person disabled must have acted with due promptitude in bringing it to notice The period of three months may be extended by the Governor General in Council if he is completely satisfied as to the cause of the disability.

(iii) The period of leave granted shall be such as is certified by a medical board to be necessary and shall in no case exceed two years. If leave for less than two years is granted in the first instance, it shall not be extended except on the certificate of a medical board.

(iv) Special disability leave may be combined with leave on average pay, if due, up to a maximum of four months of such leave, and with leave on half average pay if due and certified by a medical board to be necessary.

(c) If a Government servant has contracted such disability while serving with a military force, he shall, in the event of his discharge as unfit for further military service, be eligible for special disability leave on the conditions specified in clause (b) of this rule; provided that—

(i) he is not reported to be completely and permanently incapacitated for further civil service, and

(ii) any period of leave on medical certificate granted to him under military rules on account of the disability is reckoned as part of the period of two years up to which special disability leave may be granted.

Orders of the Government of India regarding rule 83 (c).

1. The intention of rule 83(c) is not that special disability leave should be given to cover any portion of a Government servant's military

service, but that it should be admissible only after the Government servant's discharge as unfit for further military service.

[*Government of India, Finance department, no. F.-21/II-C.S.R., dated the 30th July, 1924.*]

(*d*) If a Government servant has contracted such disability during service otherwise than with a military force, special disability leave may not be given unless the injury or illness is, in the opinion of the local Government, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave.

(*e*) Special disability leave may be granted if a disability contracted as in clause (*a*) of this rule is aggravated or reproduced in similar circumstances at a later date, but not more than two years of such leave shall be granted in consequence of any one disability.

(*f*) The period of leave will not be debited against the leave account and will count as duty in calculating service for pension.

(*g*) Leave-salary on such leave will be equal to half average pay, subject to the maxima and minima prescribed in rules 89 and 90.

84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Rules made by the Secretary of State in Council under rule 84.

Rules for the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.

The following rules relate to study leave only They are not intended to meet the case of officers deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of rules 50 and 51 of the Fundamental Rules. The rules apply to the Archæological department, the Sanitary and Bacteriological departments (other than as regards officers of the Indian Medical Service, to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil

Veterinary department, the Factory department, the Geological Survey, the Agricultural department, the Meteorological department, the Railway department (Traffic, Locomotive and Engineering branches), the Telegraph department the Zoological Survey, the Education department, the Public Works department, and the Forest department (except in respect of Continental tours, to which special rules apply). The rules may be extended by the authorities empowered to sanction study leave under rule 1 to any officer, including an officer of a provincial service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interests to pursue a special course of study or investigation of a scientific or technical nature.

Note.—The extension of these rules to the Public Works department does not affect the existing rule under which officers of less than 12 years' service are allowed to visit engineering works when on leave in Great Britain, travelling expenses only being reimbursed

1. Extra furlough for the purpose of study leave may be taken either in or outside India. It may be granted to an officer of any of the departments named above by the local Government or Administration under which he is serving, provided that when an officer borne permanently on [illegible] temporarily in another [illegible] to the conditions (*a*) [illegible] arrangements to carry on his work in his absence, and (*b*) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to officers of less than five years' service or to officers within three years of the date at which they have the option of retiring, or, if they have the option of retiring after 20 years' service, within three years of the date at which they will complete 25 years' service. Nor should it be granted to officers who are about to retire on proportionate pension.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with ordinary leave, involve an absence of over two years from an officer's regular duties, or exceed two years in the whole period of an officer's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of 12 months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

3. An officer whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When an officer has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the

sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary furlough.

5. Except as provided in rule 6 of these rules, all applications for study leave should be submitted with the Audit officer's certificate to the Head of the department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein

6. Officers on furlough or other leave in Europe or America, who wish to have part of it converted into study leave, should address the High Commissioner for India and should attach (1) a statement showing how they propose to spend the study leave, and (2) documentary evidence that their application for the particular course of study or examination proposed has the approval of the proper authorities in India. Similarly, officers on furlough or other leave in Europe or America who desire to have it extended for purposes of study should address the High Commissioner, but in addition to the above requirements they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave.

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognized institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12*s*. a day in the United Kingdom, 1*l*. a day on the continent of Europe, and 30*s*. a day in the United States of America. These rates are liable to revision. The rate to be granted to officers who take study leave in other countries, including India, will be specially considered by the High Commissioner or the Government of India, as the case may be, in each case. In no case will subsistence [illegible], and ordinarily travel- [illegible] l cases claims will be [illegible] ndia or High Commissioner.

8. *Study allowance will be admissible up to 14 days for any period of vacation.* A period during which an officer interrupts his course for his own convenience cannot be considered as vacation. In the case of an officer retiring from the service without returning to duty after a period of study leave, the study allowance will be forfeited. If the officer is under civil leave rules the study leave will be converted into furlough to the extent of the furlough standing to his credit at the date of retirement. Any balance of the period of the study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

9. Officers granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the High Commissioner or the Government of India, as the case may be, will be prepared to consider proposals that such fees should be paid by Government.

10. On completion of a course of study a certificate on the proper form (which may be obtained from the High Commissioner) together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the authority which sanctioned the leave. In the case of a definite course of study at a recognized institution the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the officer from time to time, supported by proper certificates of attendance. When the programme of study approved under 5 of these rules does not include or does not consist entirely of such a course of study, the officer shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestions as to the possibility of applying such methods or operations to India. The High Commissioner or the sanctioning authority in India, as the case may be, will decide whether the diary and report show that the time of the officer has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 7 of these rules may be granted

11. Study leave will count as service for promotion and pension, but not for furlough or any other leave. It will not affect any leave which may already be due to an officer, it will count as extra furlough, and will not be taken into account in reckoning the aggregate amount of furlough taken by the officer towards the maximum period admissible under the Fundamental Rules.

12. During study leave an officer will draw half average pay as defined in rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in rules 89 and 90 *ibid.* The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave-salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. An officer may, subject to the approval of the proper authorities being obtained as required by rule 5 or 6 of these rules, undertake or commence a course of study during leave on average pay, and, subject to rules 7

and 8 of these rules, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the whole of an officer's service. This rule applies to military officers in civil employment taking leave under the Fundamental Rules. A military officer taking leave under military rules will draw the furlough pay admissible to him under those rules; if on combined leave he may be permitted to commence a course of study before the end of his privilege leave, and draw for such period the study allowance admissible under rule 7 of these rules, without forfeiture of privilege leave allowances, the full amount of study leave taken being, for all purpose of record and subsequent calculation of leave, post-dated as if it commenced at the end of the privilege leave.

13. On an application for study leave in Europe or America being sanctioned by the Government of Madras, Bombay or Bengal, the local Government should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by any other local Government or Administration a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the officer concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned, the particulars should be reported to the Government of India.

Orders of the Government of India regarding the rules made by the Secretary of State for India under rule 84.

14. The High Commissioner for India has been allowed to exercise discretion in dealing with applications from Government servants on study leave for the grant of concessions under the study leave rule (e.g. travelling expenses and fees under rules 7 and 9). To assist the High Commissioner in dealing with such applications, it should be stated in the report furnished with reference to rule 13, or in the documentary evidence referred to in rule 4 in the case of a Government servant on leave out of India who may get a part of his leave converted into study leave, whether the local Government are prepared to meet the cost of travelling expenses or tuition fees should the High Commissioner consider their grant desirable.

[*Government of India, Finance department, no. F.* 80 (1)-*C. S. R., dated the* 30*th June*, 1924.]

Audit instruction regarding rule 2 *of the rules referred to above.*

15. The limit of 2 years of absence from a Government servant's regular duties prescribed in this rule includes the period of vacation, if any, with which study leave and other leave may be combined.

85. (*a*) In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted. Such leave is not debited against the leave account. No leave-salary is admissible during such leave.

(*b*) The authority which has the power to sanction leave may grant extraordinary leave as in clause (*a*) in combination with, or in continuation of, any leave that is admissible and may commute retrospectively periods of absence without leave into extraordinary leave.

(*c*) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay he returns to duty in India, he will have no claim to reinstatement in civil employ.

Audit instruction regarding rule 85.

1 Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note 2 to rule 78.

86. Leave granted to a Government servant should in no case extend more than six months beyond the date on which the Government servant must compulsorily retire, or, if a Government servant is retained in service after that date, more than six months beyond the date on which he ceases to discharge his duties.

Orders of the Governor General in Council regarding rule 86.

1. The date on which a ministerial Government servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement for the purpose of rule 86 is the date from which he is required to retire. It follows from this ruling that the restriction imposed by rule 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire.

[*Government of India, Finance department, letter no. F.-25-C.S.R./25, dated the 28th January,* 1925.]

Orders of the Local Government regarding rule 86.

2. *The grant of leave under Fundamental Rule 86 is discretionary with the Local Government and the test in applying the rule will be*

whether it would be more convenient on general administrative grounds for a Government servant to take leave before or after the age of superannuation. The intention of the Local Government is to apply the rule only in cases in which a Government servant with leave due to him has applied for leave in sufficient time before the date of retirement and his application has been refused owing to the exigencies of the public service. It will not be applied so as to enable a Government servant at his own option to take leave after, instead of before, the date of retirement.

[*Government Order no. A.257/X—534(21), dated the 21st January,* 1924.]

Audit instruction regarding rule 86.

3. In the case of Government servants belonging to vacation departments the period of six months referred to in this rule should include any vacation with which leave may be combined.

SECTION V.—LEAVE-SALARY.

87. Subject to the conditions in rules 81, 88, 89 and 90, a Government servant on leave shall, during leave, draw leave-salary as follows:—

(*a*) If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and

(*b*) if the leave is not due, leave-salary equal to half average pay:

Provided that when a non-gazetted Government servant takes leave, and—

(*i*) his pay is less than Rs 300, or

(*ii*) the leave taken does not exceed one month, his average pay for the purpose of this rule shall be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave.

88. After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

Note.—A member of the Indian Civil Service or a military commissioned officer subject to these rules is entitled to leave-salary equal to subsistence grant after this period.

Audit instruction regarding rule 88.

1 The expression "continuous absence from duty on leave" occurring in this rule does not include absence on extraordinary leave.

89. Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

—	Average		Half Average.		Quarter Average.	
	Outside Asia	In Asia	Outside Asia.	In Asia	Outside Asia.	In Asia.
	£	Rs	£	Rs.	£	Rs
Indian Civil Service and military commissioned officers subject to the special leave rules ..	222	2 222	111	1,111	..	..
Other Government servants subject to the special leave rules ..	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules ..	150	1,500	75	750	60	600

Note 1 —The maximum of average servant who is entitled, under orders prev four months, during a period equal to the

Note 2 —The maximum of averag serving in a vacation department during a month for each year since his last leave vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation, provided that, in the case of a Government servant who is transferred with leave to his credit from a non vacation to a vacation department, the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave salary shall not be applied to him

Audit instruction regarding rule 89

1. Vacation should be treated as the equivalent of the leave on average pay for the purposes of this rule.

90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table .—

—	Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs	£	Rs
Indian Civil Service and military commissioned officers subject to the special leave rules ..	65½	655	..	..
Other Government servants subject to the special leave rules	33⅓	333	16⅔	166
Government servants subject to the ordinary leave rules	25	250	12½	125

Note 1.—The minima specified above for Government servants other than members of the Indian Civil Service and military commissioned officers apply only when leave is taken or extended out of India.

Note 2.—In the case of a military commissioned officer, the minimum leave-salary during such leave as may be added under rule 77(*b*) to the leave earned, by duty under these rules shall be that prescribed by the military rules to which the officer was subject immediately before he came under these rules; and for an officer of the Royal Engineers who was serving under the Indian Army Leave Rules immediately before he became [illegible] the leave rules for the [illegible] ion. In the case, how- [illegible] er British Army Leave [illegible] inimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of—

(*i*) £ 55½ out of Asia and 555 rupees in Asia if he elected for continuous service in India before the 1st February, 1898; or

(*ii*) the amount shown in sub-clause (*i*) or the pay last drawn by him on duty, whichever is less, if he elects to come under civil leave rules after completing five years' service.

Note 3.—A military commissioned officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

Audit instruction regarding rule 90.

1. In applying note 2 under the rule to a military officer who had already become subject to the civil leave rules before the 1st January, 1922, the term "these rules" appearing in lines 4, 6 and 9 of the note should be read as equivalent to "the civil leave rules."

91. A Government servant will ordinarily draw leave-salary in rupees if residing in Asia and in sterling if residing out of Asia. Leave-salary drawn in rupees must be drawn in India or, by a Government servant residing in Ceylon, in Ceylon. Leave-salary drawn in sterling must be drawn in London or, at the Government servant's option, in any British Dominion or Colony which the Secretary of State in Council may by order prescribe; provided that, during the first part of any period of leave on average pay, up to a maximum of four months, a Government servant may, at his option, draw leave-salary in rupees in India, even if he be residing out of India. Leave-salary will be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

Orders of the Secretary of State under rule 91.

1. Leave-salary expressed in rupees if paid at the Home Treasury or in a Colony where the standard of currency is gold, shall be converted into sterling at the rate of exchange for telegraphic transfers from

Calcutta on London on the date on which each payment becomes due, the rate of exchange being subject to the following minima :—

(a) In respect of leave-salary due for the first four months of a period of leave on average pay ... ... 1s. 4d. per rupee.

(b) In respect of all other leave-salary . 1s. 6d. per rupee.

[*Government of India, Finance department resolution no. 1289-C.S.R., dated the 10th January, 1922.*]

2. Leave-salary may be drawn in sterling in the following British Dominions and Colonies :—

Europe—
Gibraltar.
Malta

America and West Indies—
Dominion of Canada.
Bahamas.
Barbados
Bermuda.
British Guiana.
British Honduras.
Jamaica.

North Africa—
Gambia.
Gold Coast.
Nigeria.
Sierra Leone.

Africa other than North Africa—
Union of South Africa.
Kenya.
St. Helena.
Uganda

Australasia—
Commonwealth of Australia.
New Zealand.
Fiji Islands.

Note —Leave salary may also be drawn in sterling in Egypt while a British Army Pay Office is retained there.

[*Government of India, Finance department resolution no. 868-C.S R., dated the 8th August, 1922.*]

Audit instructions regarding order 1 above.

3. Vacation should be treated as the equivalent of leave on average pay for the purpose of the Secretary of State's order referred to in order 1 above.

4. For the purposes of the orders contained in paragraph 1 above, prescribing the rate of exchange at which leave-salary shall be converted into sterling, a Government servant who had more than four months' privilege leave credited to his account on the 1st January, 1922, under rule 77, will on the first occasion on which he takes leave on average pay, convert his leave-salary at 1*s.* 4*d.* the rupee for the whole period of the leave on average pay so credited to his account.

92. The rupee maxima and minima detailed in rules 89 and 90 are applicable to those Government servants only who reside in Asia during their leave, and the sterling maxima and minima to those who reside elsewhere.

93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave on average pay may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary during the first four months of his leave. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

Audit instructions regarding rule 93.

1. Under this rule the maximum period during which a Government servant can be allowed to draw compensatory allowances while on leave is four months (or six months in the case of leave admissible under the special concession referred to in note 1 to rule 89) The length of the total period of leave is irrelevant, but compensatory allowances cannot be drawn during any period of leave which is not leave on average pay.

2. Exchange compensation allowance, if otherwise admissible, may be drawn during the whole of the period of leave on average pay corresponding to the amount of privilege leave at a Government servant's credit on the 1st January, 1922, which may extend to six months under the special concession referred to in note 1 to rule 89.

For rules made by the Local Government under this rule see part II of this volume, chapter XII.

SECTION VI.—EXCEPTIONS AND SPECIAL CONCESSIONS.

94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act :—

(*a*) Members of the executive council of the Governor General or of a Governor or Lieutenant-Governor.

(b) The Chief Justices and other Judges of the several High Courts

(c) The Bishops of Calcutta, Madras and Bombay.

(d) The Auditor-General in India.

94A. The rules in sections I to V are not applicable to Presidents of Legislative bodies whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

Orders of the Secretary of State in Council under rule 94A.

1. The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of Legislative Councils :—

(i) In view of the long periods of what may be described as "vacation" which a President enjoys and which he is free to spend wherever he chooses, no President shall be r [illegible] a [illegible] s [illegible] pay and service as President leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.

(ii) An official being a member on the active list of a regular service, appointed to be President of a Council shall be treated as retaining, during his tenure, his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President, on the allowances which would be admissible without taking account of the salary drawn as President

2. The Secretary of State has left to the discretion of His Excellency the Governor the settlement of any question of detail which may arise.

3. The Secretary of State has, however, decided that, in the case of Hon'ble Mr. M. Keane, the Fundamental Rules shall be regarded as regulating the leave and leave-salary admissible to him from the date of his appointment as President until the termination of his tenure of that office, subject to the following conditions which shall be observed from the 27th July, 1922 :—

(a) That he shall not, while his tenure of office continues, be granted leave, otherwise than on medical certificate, at any time when the Council is in session.

(b) That periods during which the Council is not in session shall not be counted as duty for the purpose of earning leave

unless the President was during such periods actually engaged on business connected with the Council, or on other business performed at the request of the Government.

The determination of the periods during which such business has been performed is left to the discretion of His Excellency the Governor.

[*Government of India, Finance department letter no.* 1130-*C.S.R.*, *dated the* 5*th October*, 1922.]

95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the B [illegible] inclu [illegible] Nagpur.

Rules made by the Secretary of State for India in Council under rule 95.

1. The Special Leave Rules in sections I to V of Part IV of the Fundamental Rules are, subject to the exceptions and modifications contained in these rules, hereby made applicable to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

2. A Chaplain on probation is entitled to the same leave and leave-salary as if he held a substantive appointment as Junior Chaplain.

3. In the case of a Chaplain who was appointed before the 29th July, 1906, leave shall be credited to his account in accordance with these rules, $1\frac{1}{2}$ months being added in respect of the additional 3 months' leave admissible under article 581, Civil Service Regulations, but privilege leave may continue to be granted under article 592 (*b*) of the Chaplains' Leave Rules in the Civil Service Regulations, subject to the condition of article 595, Civil Service Regulations, every month so taken being debited to his leave account as 14 days' leave on average pay.

Note to Rule 3.—Privilege leave under article 592 (*b*), Civil Service Regulations, cannot be taken in combination with any other leave.

4. Leave salary in the case of Chaplains appointed before the 7th June, 1923, is subject to the following yearly minima :—

	Leave on half average pay. £	Leave on quarter average pay. £
Senior Chaplains holding the offices of Archdeacon of Calcutta, Madras or Bombay; Presidency Senior Chaplains at the same places ...	600	480
Other Senior Chaplains	500	384
Junior Chaplains	...	300

(5) The Administrator-General and Official Trustee in Bengal, Madras or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee and Official Receiver in Burma.

(7) A Chief Judge of the Court of Small Causes in Rangoon.

(8) An Additional Judicial Commissioner of Sind.

Such Government servants are entitled to leave on terms similar to those applied to Judges of High Courts by rules made under section 104 of the Act; provided that—

(*a*) their leave-salary, while on furlough or on subsidiary leave, shall not exceed one-half of the pay which they drew at the time of taking leave; and

(*b*) if holding one of the posts specified in items (3) to (7) above, they are entitled to leave on average pay, in lieu of the privilege leave admissible under the rules made under section 104, up to one-eleventh of the period of duty performed, on the same conditions as a Government servant serving in a vacation department

99. The following law officers are entitled to leave under the rules applicable to members of the Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government:—

An Advocate-General.
A Standing Counsel.
An Official Trustee or Assignee.
A Receiver of a High Court.
An officer of a High Court holding a post which by law can be held by a barrister only.
A Secretary or Assistant Secretary in the Legislative department of a local Government.
A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs
A Government Advocate or Assistant Government Advocate.
A Clerk of the Crown.
A Government Solicitor.

100. The following provisions apply to military officers in civil employ who remain subject to military leave rules :—

(*a*) A local Government may grant to such an officer leave of the following kinds :—

(*i*) leave on average pay, for four months at a time, up to one-eleventh of the period of duty performed, including uninterrupted duty in military service; provided that, if privilege leave under military rules has been taken in any calendar year, duty counting for leave on average pay will not commence until the beginning of the following year or from the expiry of six months after the conclusion of such leave, whichever is earlier, and

(*ii*) any leave, other than privilege leave, admissible under military rules either alone or in combination with leave on average pay.

Note.—In the case of a Government servant who is entitled, under orders previously ... er of months to be taken ... ssed, on the first occasion ... by which the amount of ...

(*b*) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(*c*) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted :

Provided that, except in the case of an officer holding substantively a permanent post for a fixed term, no leave under sub-clause (*ii*) of clause (*a*) of this rule may be granted to an officer unless the local Government is prepared to re-employ him *immediately upon the termination of the leave.*

101. A local Government may make rules regulating the grant to Government servants under its control of—

(*a*) maternity leave to female Government servants; and

(*b*) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

For rules made by the Local Government under this rule see part II of this volume, chapters XIII and XIV.

102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

103. A local Government may make rules regulating the leave which may be earned by—

(*a*) temporary and officiating service;

(*b*) service which is not continuous; and

(*c*) part-time service, or service which is remunerated wholly or partially by the payment of fees or daily wages:

provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

Orders of the Secretary of State regarding Model Leave Terms for Government servants engaged on contract

1 (1) Where the contract is for one year or less, no leave except on medical certificate (on average or half average pay), which would ordinarily be limited to two months reckoned in terms of leave on average pay

(2) Where the contract is for more than one year and less than three years, leave on average pay up to 1/11th of the period spent on duty, to which may be added on medical certificate leave on average or half average pay, provided that the total leave granted shall not exceed three months reckoned in terms of leave on average pay.

(3) Where the contract is for three years or over, leave on average pay up to 1/11th of the period spent on duty, up to a maximum of four months at a time, to which may be added on medical certificate leave on average or half average pay up to a maximum of three months reckoned in terms of leave on average pay.

(4) In the case of Government servants coming under clauses (2) and (3) above —

(*a*) Three months' extraordinary leave without pay may be granted in addition to the above, and

(*b*) If the Government servant is in a vacation department, leave may only be granted in case of urgent necessity and if granted shall be on half average pay for a period not exceeding 1/11th of the period spent on duty in addition to any leave admissible on medical certificate. The Government servant may, however, be granted leave on leave-salary equivalent to average pay, to the extent of one month for each year of duty in which he has not availed himself of any part of a vacation.

(5) In cases where :—

(a) the contract is for a longer term than 5 years, or

(b) an original contract for 5 years is extended, or

(c) on completion of his original contract of whatever term, a Government servant is taken into permanent employment, the ordinary or special leave rules, as the case may be, as contained in the Fundamental Rules, will be made applicable.

(6) Leave may be granted after the expiry of contract only where it has been applied for during the period of the contract and refused owing to the exigencies of the public service.

(7) A Government servant whose services are dispensed with on grounds of ill-health shall be permitted to take all leave due to him before his service is terminated.

[*Government of India, Finance department letter no. F-31C.S.R./24, dated the* 11*th October*, 1924.]

For rules made by the Local Government under this rule see part II of this volume, chapters XV and XVI.

104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :—

(a) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent;—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay; and

(b) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in rule 103.

For rules made by the Local Government under this rule see part II of this volume, chapter XVII.

a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

Note 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (*ii*) above, to draw the same amount of leave salary which he would have drawn had he taken leave under civil leave rules, provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

(*c*) If on joining time under clause (*d*) of rule 105, he is entitled to pay as though he were on duty in his post.

Note 2.—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests. A transfer made in consequence of his own misbehaviour does not fulfil this condition.

Audit instructions regarding rule 107.

1. No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and relieved Government servants are required, by the orders of a superior officer, to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, therefore, a Government servant will draw full pay, and will be regarded as on duty and not as on joining time.

2. An Indian Civil Service officer when transferred from one officiating post on the superior scale to another such post, is entitled to the superior scale rate of pay during joining time and if his increment on the superior scale accrues to him within the period of the joining time he is entitled to draw it from the date on which it falls due.

108. A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

and leave on average pay with which vacation may be combined is of not more than four months' duration and under clause (c) if otherwise.

5. In the case of a Government servant who is appointed while on leave of not more than four months' duration to a post other than that from which he took leave, the full joining time calculated under subsidiary rule 174 of part II is admissible irrespective of the date on which the orders of transfer were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave *plus* the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled

106. *A local Government may make rules regulating the* joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (*d*) of that rule shall apply Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

For rules made by the Local Government under this rule see part II of this volume, chapter XVIII.

107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows.—

(*a*) If on joining time under clause (*a*) of rule 105, he is entitled to the pay which he drew prior to relinquishing charge of his old post, or the pay which he will draw on taking charge of his new post whichever is less.

(*b*) If on joining time under clause (*b*) or (*c*) of rule 105 he is entitled—

(*i*) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant; otherwise, to no payments at all;

(*ii*) when returning from leave of any other kind, to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India:

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or

a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

... leave rules who retains a lien on ...use (ii) above, to draw the same ... he taken leave under civil leave ... than that which he actually drew

(c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

Note 2.—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests. A transfer made in consequence of his own misbehaviour does not fulfil this condition

Audit instructions regarding rule 107.

1. No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and relieved Government servants are required, by the orders of a superior officer, to inspect together before the transfer can be completed The relieving Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, therefore, a Government servant will draw full pay, and will be regarded as on duty and not as on joining time.

2. An Indian Civil Service officer when transferred from one officiating post on the superior scale to another such post, is entitled to the superior scale rate of pay during joining time and if his increment on the superior scale accrues to him within the period of the joining time he is entitled to draw it from the date on which it falls due.

108. A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

PART VII.

CHAPTER XII.—FOREIGN SERVICE

109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Orders of the Government of India regarding rule 109.

1. This rule applies only to the original period for which the services of a Government servant were transferred beginning before and terminating after the 1st January, 1922. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules

[*Government of India, Finance department letter no.* 1391-*C.S.R.*, *dated the 17th August*, 1923]

110. (*a*) No Government servant may be transferred to foreign service against his will.

(*b*) A transfer to foreign service outside India may be sanctioned by the Governor General in Council.

Note.—The Government of Madras is authorized to transfer to service in Ceylon any Government servant other than a member of an all-India service

(*c*) Subject to any restrictions which the Governor General [illegible] the case of transfer [illegible] to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving

111. A transfer to foreign service is not admissible unless—

(*a*) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

(*b*) the Government servant transferred holds, at the time of transfer, a post paid from general revenues or holds a lien on such a post

Orders of the Government of India regarding rule 111.

1. The transfer of a temporary Government servant to foreign service is permissible under this rule

[*Government of India, Finance department no F.-66-C S. R., dated the 22nd July*, 1921]

112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Orders of the Government of India regarding rule 112.

1 This rule does not apply to cases in which a Government servant is permitted by the local Government or by the Government of India in the case of an officer of all-India services, to accept foreign service while on leave preliminary to retirement on ordinary or proportionate pension, and it is decided by the local Government or the Government of India, as the case may be [illegible] be treated as private [illegible] not be placed on the [illegible]

[*Government of India, Finance department letters nos* 602 *and* 957-*C.S R , dated the* 26*th April and the* 13*th June*, 1923, *and Government of India, Home department letter no F* -261-3-23-*Public, dated the* 1*st October*, 1923.]

113. A Government servant transferred to foreign service will remain in the cadre in which he held a post prior to his transfer, and may be given such substantive [illegible] motion in that cadre [illegible] tion may decide. In [illegible] authority will take into account—

(*a*) the nature of the work performed in foreign service, and

(*b*) the promotion given to juniors in the cadre.

114. A Government servant in foreign service will draw pay from the foreign [illegible] on which he relinquishes charge [illegible] service. Subject to any restrictions [illegible] the Governor General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

Orders issued by the Governor General in Council under rule 114.

The amount of remuneration which may be sanctioned by a local Government for a Government servant transferred to foreign service in an Indian State will be regulated by the following orders :—

1. When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

2. No order of transfer to foreign service shall be issued by a local Government without previous consultation with its Finance department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given

3. The following two general principles must be observed by local Governments in sanctioning the conditions of transfer —

(*a*) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him

(*b*) The terms granted must not be so greatly in excess of the remuneration which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.

4. Provided that the two principles laid down in paragraph 3 above are observed, a local Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the Darbar and is, in the opinion of the local Government, justified by the circumstances The value of the concessions must be taken into account in determining an appropriate rate of pay for the Government servant in foreign service .—

(*a*) The payment of contributions towards leave-salary and pension under the ordinary rules regulating such contributions

(*b*) The grant of travelling allowance under the ordinary travelling allowance rules of the local Government or under the local rules of the Darbar, and of permanent travelling allowance, conveyance allowance and horse allowance

(*c*) The use of State tents, boats and transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible

(d) The grant of free residential accommodation, which may be furnished, in cases in which the local Government considers this to be desirable, on such scale as may seem proper to the local Government.

(e) The use of State motors, carriages and animals

5. The grant of any concession not specified in paragraph 4 above requires the sanction of the Governor General in Council

Orders of the Local Government under rule 114.

6. The pay and allowances of a Government servant transferred to foreign service shall ordinarily be regulated as follows by the authority competent to sanction the transfer who shall specify precisely the amount of pay and other concessions to be granted Any departure from these orders requires the previous sanction of the Local Government.

7 The pay of a Government servant transferred to a post the duties of which are similar to those of the post which he held when transferred, should be fixed at a sum which does not exceed by more than 25 per cent. his last substantive pay in British service, or if he is officiating in a grade or post from which he is unlikely to revert, 25 per cent. of his last pay

8 A Government servant transferred to an unusually responsible or difficult post or to one the duties of which differ from those of his post under Government, should receive pay specially fixed with reference to his status and pay in the service of Government and the nature of the work for which he is transferred.

9 Increases of pay will be regulated as follows .—

(a) A Government servant whose pay is fixed under paragraph 7 above and who belongs to a graded service or to a service in which pay is regulated by a time scale, may on the occasion of each substantive promotion on his departmental list or accrual of a periodical increment, be granted an increased rate of pay equal to that which such promotion or increment would have given in British service plus a sum not exceeding 20 per cent. thereon. If such a Government servant would have obtained, had he remained in British service, officiating promotion from which he would not have been likely to revert, his pay may be similarly raised with the consent of the foreign employer to the amount of enhanced pay plus a sum not exceeding 20 per cent. of such pay.

(b) In all other cases in which pay is fixed under paragraph 7 and in all cases in which it is fixed under paragraph 8, no increase shall be allowed until a Government servant has been for three years in foreign service. After that

period, and subsequently at intervals of not less than three years, increments of not more than 20 per cent. of the original pay may be allowed, if proposed by the foreign employer and if in the opinion of the authority by whom the transfer was sanctioned, they are justified with reference to the work of the Government servant and the nature of his duties.

10. The pay of deputy collectors, tahsildars, naib-tahsildars and kanungos who are transferred to foreign service for employment under the court of wards shall be regulated as follows :—

(a) Deputy collectors inclusive of probationary deputy collectors and tahsildars, also naib-tahsildars who are not selected candidates and have not passed the departmental examination.	Pay in the time-scale or grade pay which they would draw from time to time *plus* an addition of a fixed percentage not exceeding 25 per cent on that pay to be decided in each case by the authority sanctioning the transfer.
(b) Naib tahsildars who are both selected candidates and have passed the departmental examination.	Pay on a special scale of Rs. 175—10—205.
(c) Kanungos	Grade pay *plus* an additional pay of Rs. 30.

115. While a Government servant is in foreign service contributions towards the cost of his pension must be paid to general revenues on his behalf. If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also Such contributions shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

Note 1.—Pensions, throughout this chapter, include bonus, if any, payable to a Government servant's credit in a provident fund.

Note 2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office

116. Contributions will be calculated on the pay drawn in foreign service. In return for the contributions the Governor General in Council or the local Government, as the case may be, accepts the charge for the pension, and if the foreign service is in India, the leave-salary of the Government servant. In calculating leave-salary and pension, the pay drawn in foreign

service, less such part of it as may be paid as contribution, will count as pay for the purpose of rule 9(2).

Orders of the Government of India regarding rule 116.

1. Contributions should be calculated on actual pay in foreign service subject to the following maxima.—

		Rs.
I.C.S. and Military Officers ...	...	3,000 per mensem.
Members of other all-India services and Central services .	...	2,500 ,,

[*Government of India, Finance department no. F-81-C. S. R., dated the 4th August*, 1924.]

117. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.

Orders of the Governor General in Council under rule 117.

1. The following rates of contributions are leviable

I. Members of the Indian Civil Service and Military Officers —

(1) for pension only—25 per cent. of pay actually drawn in foreign service,

(2) for leave-salary and pension—40 per cent. of pay actually drawn in foreign service

II. For other Government servants—

	When leave salary is paid by Government	When leave salary is paid by Foreign employer.
for members of all-India services (other than I. C. S.) and corresponding Central services .	30 per cent	3/16ths.
for other Government servants in Superior service	25 ,,	1/6th.

[*Government of India, Finance department no. 64-E. B., dated the 27th January*, 1922, *and no. F. 81-C. S. R./24, dated the 4th August*, 1924.]

118. In addition to the contributions prescribed under rule 117 subscribers to any of the following pension funds must pay to Government a contribution equal to one-fourth or one-sixth of the premium paid to the fund :—

(*a*) Bengal Uncovenanted Service Family Pension Fund . ... One-fourth.

(*b*) Bombay Uncovenanted Service Family Pension Fund—

(i) Subscribers who joined the fund on or before the 12th November, 1900. One-fourth.

(ii) Those who joined after that date .. One-sixth.

(c) Bengal and Madras Service Family Pension Fund ... ... One-sixth.

119. Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

For rules made by the Local Government under this rule see part II of this volume, chapter XIX.

120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

121. A Government servant transferred to foreign service may not, without the sanction of the local Government, accept a pension or gratuity from his foreign employer in respect of such service.

122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is member and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave

123. A Government servant in foreign service out of India may, unless special arrangements as to leave have been made on his behalf by the authority sanctioning his transfer, be granted leave by his employer on such conditions as the employer may determine The leave-salary on such leave will be paid by the employer, and the leave will not be debited against the Government servant's leave account.

124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay

calculated on the pay of the post in Government service on which he holds a lien and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued with effect from the date of reversion.

127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

(*a*) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month

(*b*) The cost of the service shall include contributions at such rates as may be laid down under rule 117, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment

(*c*) A local Government may reduce the amount of recoveries or may entirely forego them.

CHAPTER XIII.—SERVICE UNDER LOCAL FUNDS.

128. Government servants paid from local funds which are administered by Government are subject to the provisions of chapters I to XI of these rules.

Audit instruction regarding rule 128.

1. Employees of local funds administered by Government who are not paid from general revenues and are therefore not Government servants are subject to the provisions of chapters I to IX of the Fundamental Rules.

129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in chapter XII.

130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

THE SCHEDULE.

[See order 2 under rule 9(20) and rule 75A.]

Provisions for the determination of domicile.

1. A person can only have one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling

Explanation 2 —A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul or other representative of the Government of another country.

6 The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business

7 After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband :

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile

8 Save as otherwise provided above a person cannot during minority acquire a new domicile

9 An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

PART II.

Subsidiary and Supplementary Rules.

PART II.

SUBSIDIARY RULES.

CHAPTER I.—SPECIAL RULES.

Rules made by the Local Government under Fundamental Rule 2.

Treatment of recess leave formerly taken in the Forest department.

1. Recess leave taken prior to the year 1917 by subordinates of the Forest department under rules then in force shall be treated as duty for the purpose of Fundamental Rule 77 (*b*) (*ii*) (2), and shall not be debited to the leave account with reference to note (2) (*i*) (*a*) under Fundamental Rule 78.

Compulsory retirement of Government servants in inferior service.

1A. Fundamental Rule 56 (*a*) shall not apply to a Government servant in inferior service

CHAPTER II.—TREATMENT AS DUTY OF SERVICE UNDER CERTAIN CIRCUMSTANCES.

Rules made by the Local Government under Fundamental Rule 9(6) (*b*).

2. A Government servant is on duty during a duly authorized course of instruction or training.

Exception.—Time spent in training by a Government servant deputed to Dehra Dun for training at the Forest Research Institute and College shall not count as duty for the purpose of leave as there are regular vacations during that period.

3. A student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school is on duty during the interval between the satisfactory completion of his course and his assumption of duties

4. (1) A Government servant permitted to appear at an optional examination prescribed by Government in any of the Oriental languages is on duty during the time spent in preparation for and attendance at the examination, subject to the following conditions :—

(*a*) Except as provided in clause (*b*), a reasonable time, including the day or days of examination, shall only be allowed for the journey to and from the place of examination.

(*b*) In the case of a candidate for the High Proficiency and Degree of Honour examinations in all vernacular languages recognized in these provinces, the period allowed for preparation shall be at the discretion of the Local Government, but will not exceed three months in all. If the examination is by the Higher Standard or High Proficiency and Degree of Honour in the languages of Sanskrit, Arabic or Persian, the candidate will similarly be allowed a period not exceeding three

months for preparation, but must undertake to spend the period allowed in study under professional tuition at a place approved beforehand by the Local Government. In the case however of the Degree of Honour examination in these three languages, the period may be extended, if the candidate leaves India for study, up to six months if he proceeds to Persia for Persian, or to Arabia, Mesopotamia, Egypt, and Syria for Arabic, or to any place approved beforehand by the Local Government for Sanskrit.

(2) The periods allowed for preparation under proviso (*b*) to sub-rule (1) above are not admissible more than once, nor can they be combined with each other. The period permissible in each case also covers the day or days of the examination and the time spent in proceeding to and from the place of examination, and cannot be taken in instalments, provided that the period allowed for preparation need not be continuous with the period covered by the examination.

5. (*i*) Engineer officers not appointed from any civil engineering college in India who are required under the rules of the department to pass obligatory examinations in the vernacular languages are on duty for the period not exceeding three months during which they may be permitted by Government to prepare themselves for such examinations. The privilege will be allowed only at a time when the Government servant may conveniently be spared. The period allowed may be taken in instalments by Government servants preparing themselves for one or more examinations, but the period of three months is the maximum aggregate amount allowable. A Government servant, who has already passed an examination in a language by the Lower Standard, is not entitled to the privilege of preparing himself for the examination in the same language by the Higher Standard,

(*ii*) The period allowed by clause (*i*) covers the day or days of examination and the time spent in proceeding to and returning from the place of examination. It must be spent in India and shall in no case extend beyond the date of the examination *plus* a reasonable period for the journey from the place of examination not exceeding the joining time admissible under

rule 174 exclusive of the six days allowed under that rule for preparation.

6. Members of the Indian and the United Provinces Forest Services who are required under rules to pass departmental examinations are on duty for the period during which they may be permitted by Government to prepare for the examination. The concession will not be allowed on more than two occasions. Permission will be granted only at a time when the Government servant may conveniently be spared, and the period which may only be spent in India shall not exceed three months on each occasion, provided that permission shall not be given on the second occasion in the case of a Government servant who has not passed by the Lower Standard in the principal languages and qualified in Land Revenue, Forest Law, Procedure and Accounts.

7. A Government servant required to attend an obligatory departmental examination other than the examinations referred to in rules 5 and 6 above is on duty during a reasonable period occupied in the journey to and from the place of examination and the day or days of the examination. No time is admissible for preparation or for recreation after the examination.

8. A Government servant permitted to present himself at an examination other than the examinations referred to in rules 5 and 6 above, which must be passed before he is eligible for higher appointment in the branch of the service, is on duty during the number of days actually necessary to enable him to attend at the examination This concession is not allowed more than twice for each standard of examination

9. On the occasion of his first arrival in India a person appointed in England to Government service who does not receive orders to take charge of a specified post before he reports himself at the seat of the Government is on duty during the interval between the date of such report and the date on which he takes charge of his duties: provided that the interval between the receipt of orders and his assumption of his duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105 (*a*).

CHAPTER III.—CERTIFICATE OF FITNESS FOR GOVERNMENT SERVICE.

Rules made by the Local Government under Fundamental Rule 10.

10. A medical certificate of fitness for Government service shall be in the following form :—

I do hereby certify that I have examined..........., a candidate for employment in the.. .. . .department, and cannot discover that $\frac{\text{he}}{\text{she}}$ has any disease, constitutional weakness or bodily infirmity except. .... I do not consider this a disqualification for employment in the. .. .. department.

The candidate's age according to $\frac{\text{his}}{\text{her}}$ own statement is .. . . years and by appearance ... .. . years.

11. A medical certificate of fitness shall not be required in the following cases :—

(1) from a person appointed by the Secretary of State;

(2) from a qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works department as an engineer within 18 months from the date of the health certificate granted to him on completion of the college course;

(3) from a person appointed to a post classed as inferior under the existing pension regulations;

(4) from a Government servant promoted from inferior to superior service.

12. The certificate shall, except in the case of women candidates or of posts on pay not exceeding Rs. 50 per mensem, be signed by the Civil Surgeon of the district in which the candidate is resident or in which he is to be employed, provided that a Civil Surgeon shall not examine a candidate or grant him a certificate except on the written request of the appointing authority.

13. Before the Civil Surgeon is requested to examine a candidate, the appointing authority shall, as far as possible, satisfy himself that the candidate has not previously been rejected as unfit for permanent employment by any medical authority in England or India, and if the candidate has been so rejected the appointing authority shall bring the fact prominently to the notice of the Civil Surgeon and shall state the cause of the rejection, if known or ascertainable, in the letter to the Civil Surgeon

14. In the case of a candidate for appointment to a post of which the pay does not exceed Rs 50 per mensem, the appointing authority may, at his discretion, accept a certificate in the prescribed form from any medical practitioner who has registered his name under the United Provinces Medical Act, III of 1917, provided that where a candidate has previously been rejected as unfit for permanent employment, the appointing authority shall require an examination by the Civil Surgeon and shall, as in the preceding rule, take steps to make *the Civil Surgeon acquainted with the facts, as far as known* or ascertainable, regarding the candidate's previous rejection.

15. If in any case a candidate is not satisfied with the decision of the Civil Surgeon, he may appeal to the Divisional Medical Invaliding Board through the Head of the office or department concerned, and the latter may, at his discretion, accept and forward the appeal or refuse to do so, provided that he shall refuse to forward the appeal in any case in which a member of the Divisional Board has already expressed or recorded an opinion unfavourable to the employment of the candidate When an appeal is allowed the candidate must appear, at his own expense, at the next meeting of the Board.

16. When a Government servant in whom a defect has been noticed by the examining surgeon, but which defect is not considered to be a disqualification for employment in the particular office or department in which he is serving, is subsequently transferred to another office or department the duties of which are of a different character, the transfer shall not be regarded as permanent until the Civil Surgeon or other medical authority has, at the written request of the Head of the new office or department, certified either that the defect previously noticed has disappeared or that it does not constitute a disqualification for the new duties entrusted to the Government servant.

17. No woman candidate for permanent employment in Government service shall be required to undergo a medical examination by a male medical officer. In such a case the appointing authority may, at his discretion, accept a certificate in the prescribed form from any registered medical woman, and preferably from a registered medical woman in Government employ.

Note.—In the case of women teachers in the girls' model schools, the appointing authority is authorized to accept a certificate from the Circle Inspectress of Schools concerned to the effect that the candidate is physically and mentally fit for Government service. If the Inspectress has any doubt as to the physical fitness of a candidate, the production of a certificate in the prescribed form from a registered medical woman, and preferably from a registered woman in Government employ, should be insisted upon.

CHAPTER IV.—ASSESSMENT AND RECOVERY OF RENT.

Rules made by the Local Government under Fundamental Rule 45 (d).

18. A Government servant who is supplied with residences in more than one station shall not pay less rent for the total period of occupation in any one year than 10 per cent. of his emoluments for that period, or the total of the standard rents for the periods of occupation of each house, whichever is less.

19. Each residence will be held to be still in occupation until such time as the second residence is occupied. Absence from his residence on tour will not absolve the Government servant concerned from payment of its rent during the period of such absence: provided that if during such absence he occupies his second residence he shall not be charged rent for such occupation. Rent shall however be charged at the prescribed rate for the period of occupation of each such residence if both residences are in occupation simultaneously otherwise than while on tour.

Note.—At the end of each financial year the total recoveries for the year in respect of all residences should be examined to see that they have been made in accordance with rule 18, any re-adjustment necessary being made.

20. A Government servant to whom a residence is allotted for a part only of the year shall not pay less rent than 10 per cent. of his emoluments or the standard rent, whichever is less, for that period: provided that if the residence is occupied beyond that period, rent at the above-mentioned rate shall also be charged for the additional period of occupation.

21. Rents shall be assessed on a monthly basis and rent for broken periods of a month shall be recovered in proportion.

22. In the case of a Government servant in receipt of a house rent allowance or a compensatory allowance granted on account of dearness of living, the house rent allowance, or such portion of the compensatory allowance as represents the cost of house accommodation, shall be deducted from the standard rent before the application of the limit of 10 per cent. of emoluments other than the house rent allowance or portion of the compensatory allowance which represents house rent.

23. The limits of percentage prescribed by rules 18 and 20 above have reference to the rent of the building only. Additional rent shall be charged for water-supply, sanitary, heating and electrical installation if these are supplied, and for amenities such as furniture, gardens, tennis courts, fowl-houses, cow-sheds, etc. Such charges will not be foregone, except in very special circumstances with the previous sanction of Government. But such rent, charges will only be made concerning the residence or residences held to be in occupation at the time.

CHAPTER V.—ACCEPTANCE OF HONORARIA AND FEES.

Rules made by the Local Government under Fundamental Rule 47.

24. Subject to the conditions prescribed in rules 25 to 31, a Head of a department may sanction the grant of an honorarium from general revenues to a Government servant under his administrative control or the acceptance by such a Government servant of an honorarium or fee from a source other than general revenues. No Government servant may accept an honorarium or a fee without such sanction, or without the orders of the Local Government.

25. The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given

26. When the service rendered falls within the scope of the ordinary duties of the Government servant performing it, the test of exceptional merit prescribed in Fundamental Rule 46 must be very strictly applied.

27. An honorarium shall not be given under these rules for superintending an examination rendered compulsory on persons belonging to the public service or any other examination the conduct of which comes within the ordinary duties of the Government servant or servants conducting them. But an honorarium may be granted to a Government servant superintending an examination of candidates for admission to the public service or any other examination the conduct of which is declared by the Local Government or a Head of department authorized to hold such examination not to come within the ordinary duties of the Government servant or servants conducting them. If fees are levied from the candidates appearing at an examination and the amount of such fees is sufficient to cover the honoraria of the examiners, a Head of department authorized to hold the examination may sanction the grant of honoraria, irrespective of the limit prescribed in rule 31.

28. Sanction must not be given to the acceptance of an honorarium or fee from a source other than general revenues

unless the work for which it is offered has been undertaken with the knowledge and sanction of the Head of the department, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it.

29. When an honorarium or fee is paid from a source other than general revenues for work done by a Government servant during time which would otherwise be spent in the performance of official duties, the honorarium or fee must be credited to general revenues: provided that the Head of the department may, for special reasons which should be recorded, direct that the whole or any part of it may be paid to the Government servant

30. When a Government servant of an educational service is permitted to receive fees for private tuition, the financial limit of the power of sanction accorded by rule 31 shall be considered to apply to the total amount of fees to be accepted by such Government servant during any particular scholastic term or vacation

31. The financial limit of the power of sanction of the Head of a department is up to Rs. 250 in the case of an honorarium from general revenues and up to Rs. 500 in the case of the acceptance of an honorarium or fee from sources other than general revenues.

32. A Government servant appointed as an examiner on purely personal grounds, irrespective of his position under Government, by the authorities of any university in British India, may accept such fees as may be allowed by the university, provided that the work involves no detriment to his duties as a Government servant

33. No Government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding

34. A Government servant called upon by a court of law to act as a commission to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the court

CHAPTER VII.—COMBINATION OF HOLIDAYS WITH LEAVE AND JOINING TIME.

Rules made by the Local Government under Fundamental Rule 68.

38. When the day immediately preceding the day on which a Government servant's leave begins, or immediately following the day on which his leave or joining time expires, is a holiday, or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays: provided that—

(*a*) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance;

(*b*) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(*c*) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it.

39. On condition that the departing Government servant remains responsible for the monies in his charge, a competent authority may declare that proviso (*a*) under rule 38 is not applicable to any particular case.

40. Unless the competent authority in any case otherwise direct—

(*a*) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and

(*b*) if holidays are affixed to leave or joining time, the leave or joining time is treated as having

terminated on, and any consequent rearrangement of pay and allowances takes effect from, the day on which the leave or joining time would have ended if holidays had not been affixed

41. In deciding whether the absence of a Government servant involves the transfer of a Government servant from another station for the purpose of provisos (*b*) and (*c*) of rule 38 above, account should be taken only of the substitute who takes the place of the absent Government servant, not of all Government servants in the chain of arrangements arising from one Government servant's absence on leave.

42. In cases in which the application of the above rule as to prefixing and affixing holidays to leave is doubtful or inequitable, the Local Government will decide which Government servant shall be held to have been in charge and to which the pay of the post for the holiday or holidays shall be paid.

Note (1) —The term "holiday" includes—

(*i*) Holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881

(*ii*) Holidays on which, by Government notification in the Gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification

(*iii*) The term does not include local holidays which may be granted at the discretion of heads of offices, provided that there are no arrears of work nor such merely permissive or discretionary holidays as the last Saturday of each month

Note (2) —The conditions under which vacation may be combined with leave are stated in Fundamental Rule 82(*d*) and the rules in Chapter XI of these rules Subject to those conditions, vacation for the purpose of the above rules will be treated as a gazetted holiday, if it is necessary to make any arrangement for work during vacation, it should be done without extra expense

CHAPTER VIII.—MEDICAL CERTIFICATE OF FITNESS TO BE PRODUCED ON RETURN FROM LEAVE.

Rules made by the Local Government under Fundamental Rule 71.

43. (*a*) A Government servant who has taken leave in Asia on medical certificate will be required to produce a certificate of fitness in the following form which has been prescribed by the Governor General in Council before he can be permitted to return to duty :—

" I........ .. . .*A B*... ....do hereby certify that I have examined............*C.D*............of the..... .. department, and that I consider $\frac{\text{him}}{\text{her}}$ fit to resume duties in Government service."

(*b*) If the Government servant on leave is a gazetted servant, such certificate should be signed by a commissioned medical officer or a medical officer in charge of a civil station. If the Government servant on leave is not a gazetted servant, the competent authority may in its discretion accept a certificate signed by a medical practitioner who has registered his name under the United Provinces Medical Act, III of 1917, provided that in the case of a female Government servant, gazetted or non-gazetted, a certificate from a registered medical woman shall be accepted.

44. (*a*) A Government servant who has taken leave on medical certificate out of Asia elsewhere than in Europe, North Africa, America or the West Indies may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form which has been prescribed by the Secretary of State in Council :—

" We certify that we have carefully examined C.D. of the ....department and find that he is in good health and fit to return to his duty in India.

Date............. ....

Place......................

(b) If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

45. Any Government servant who has been granted leave or an extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may at the discretion of the competent authority be required to produce a similar certificate of fitness before being permitted to return to duty.

CHAPTER IX.—PROCEDURE RELATING TO LEAVE.

SECTION I.—INSTRUCTIONS ISSUED BY THE AUDITOR GENERAL UNDER FUNDAMENTAL RULE 74

Certificate of admissibility.

46. Leave should be sanctioned to a gazetted Government servant only after its admissibility has been certified by the Principal Auditor who has been auditing his pay. Gazetted Government servants

47. Before leave is sanctioned to a non-gazetted Government servant the authority sanctioning the leave should either consult the leave account prescribed in Fundamental Rule 76 and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the Government servant entrusted with the attestation of the entries in the leave account Non-gazetted Government servants.

48. When a military officer becomes subject to the civil leave rules, the Principal Auditor in charge of his record of pension service will, on application and on being furnished with the date of commencement of active service in civil employ, furnish to the Principal Auditor to whose audit he becomes subject a memorandum showing the furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the *maximum* furlough admissible) and the balance of furlough due under military rules. Military officers

49. (*a*) Applications for leave from military officers in civil employ, whether they are subject to the military leave rules or the civil leave rules, should be sent through the civil Audit officer who audits the pay of the officer going on leave The civil Audit officer will, if he considers it necessary, consult the Controller of Military Accounts in charge of the

officer's record of pension service before certifying to the leave and specifying the leave-salary. No leave should be sanctioned to such an officer before a report is received from the civil Audit officer.

(b) In the case of a military officer subject to the military leave rules the civil Audit officer should obtain from the Principal Auditor in charge of the officer's record of pension service a certificate in form no. 1 before issuing a leave-salary certificate or a warrant or a certificate of leave granted to an officer proceeding on leave out of India who does not intend to draw his leave-salary at the Home Treasury or in a Colony

Government servants on foreign service

50. In the case of a Government servant on foreign service, leave cannot be sanctioned until the Principal Auditor of the Government (Central or Provincial), under whose orders or on whose behalf the transfer to foreign service was sanctioned, has certified the amount of leave and the leave-salary admissible.

Note.—For the purpose of this rule the Principal Auditor of the province in which the contributions towards leave salary and pension of a Government servant on foreign service are recovered will act as the Principal Auditor of the Central Government

Payment of leave-salary in India

Non gazetted Government servants

51. The leave-salary of a non-gazetted Government servant on leave in India or on leave out of India cannot be drawn in India, except under the signature of the head of his office, and the latter is responsible for any overcharge

Gazetted Government servants

52. No gazetted Government servant can begin to draw his leave-salary at any office of payment in India without producing a leave-salary certificate from the Principal Auditor who audited his pay before he proceeded on leave.

53. The certificate should be in form no. 2; and if during leave the gazetted Government servant desires to change the office at which he receives payment of his leave-salary, he must obtain a new certificate from the Principal Auditor within whose jurisdiction his leave-salary was last paid.

54. If a gazetted Government servant signs his bill himself he must either appear in person at the place of payment or furnish a life certificate signed by a responsible Government servant or some other well-known and trustworthy person. If he draws his leave-salary through an authorized agent, the agent, whether he has or has not a power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by life certificates.

55. The provisions of rules 52 to 54 above apply also to gazetted Government servants who spend their leave out of India but reside in Asia, and who have to draw their leave-salary in rupees in India under Fundamental Rule 91.

Note.—A certificate of residence should be obtained from Government servants who draw their leave-salary at the rupee rate

56. In the case of the Railway and Telegraph departments and the Military Works Services the above rules will be generally applicable, subject to any modification which may be made by the Principal Auditor concerned in accordance with the special rules of his department. Railway and Telegraph departments and Military Works Services

57. Before returning to duty, a Government servant who has drawn his leave-salary in India should obtain a last-pay certificate from the Principal Auditor within whose jurisdiction his leave-salary was last paid, and deliver it to the Principal Auditor who audits his pay. Without such a certificate he cannot obtain payment of any arrears of leave-salary or pay due to him. Return to duty.

Leave out of India

58. A copy of "Memorandum of information for the guidance of Government servants proceeding on leave out of India" (Annexure A) should be supplied to each Government servant proceeding on leave out of India by the Principal Auditor who audits his pay as soon as the grant of leave is gazetted or otherwise notified to him. Memorandum of information.

Leave-salary certificate and Colonial leave-salary warrant.

59. (*a*) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should be given a leave-salary certificate by the Principal Auditor who audited his pay before he proceeded on leave—

(1) in form no. 2, if he intends to draw his *leave-salary at the Home Treasury*;

(2) in the shape of a leave-salary warrant in form no. 3, if he is proceeding to a Colony and intends to draw his leave-salary there.

(*b*) If during any period of leave on average pay, a gazetted Government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave-salary *in India, a separate leave-salary certificate* should be issued in respect of that period under the provisions of rule 53 above.

60. When *a Government servant proceeds out of* India on leave other than extraordinary leave, the Principal *Auditor* who *audits* his pay will, *as* soon *as* the leave is gazetted or otherwise notified, send him a letter in form no. 4, with enclosures in form no. 5, *requiring him to* call at his office or *give* the necessary information.

Note.—If a Government servant sent home to Europe as a lunatic is granted leave, a leave-salary certificate should be prepared, if necessary, by the Principal Auditor who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date.

61. If the Government servant calls at the Audit office he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in rule 59 above. In the case of Government servants proceeding to a Colony the Colonial leave-salary warrant (form no. 3) will be issued in triplicate. The original bearing the Government servant's signature will be forwarded by the Principal Auditor to the Colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate will be made over to the Government servant concerned.

Note.—If the Government servant takes a certificate under clause (b) of rule 53 above, he will not be paid up to the date of relief, but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave-salary for the rest of the month.

62. If the Government servant is unable to call at the Audit office, the Principal Auditor will prepare a bill for his pay and allowances from the end of the month preceding that of his making over charge to the date before his leave commences, and forward it with the leave-salary certificate to the office, at which the Government servant draws his pay, for delivery to the Government servant according to the instructions in form no. 6.

Note.—The orders in the note under rule 61 apply also in the circumstances specified in this rule.

63. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half average pay out of India during which he does not propose to draw leave-salary, or when a Government servant is given a Colonial leave-salary warrant, he should be given a certificate of leave in form no. 7. This certificate has to be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave, or for permission to return to duty or for a last-pay certificate before returning to duty.

64. A certificate in form no. 8 should be attached to the leave-salary certificate of a Chaplain proceeding on leave to Europe.

65. With every leave-salary certificate, Colonial leave-salary warrant or certificate of leave, given to Government servants to whom the leave rules in sections I to V of Chapter X of the Fundamental Rules are not applicable, a blank form no. 9 will be given on which the Government servant concerned will report to the Principal Auditor, from the first port at which the vessel touches, the day of his departure from India.

66. As soon as a Principal Auditor has delivered a leave-salary certificate, certificate of leave or a Colonial leave-salary warrant to a Government servant who proposes to spend his leave out of India,

Leave-salary certificate and Colonial leave salary warrant

59. (*a*) A Government servant proceeding on leave out of India and intending to draw his leave-salary while on leave should be given a leave-salary certificate by the Principal Auditor who audited his pay before he proceeded on leave—

(1) in form no. 2, if he intends to draw his leave-salary at the Home Treasury;

(2) in the shape of a leave-salary warrant in form no. 3, if he is proceeding to a Colony and intends to draw his leave-salary there.

(*b*) If during any period of leave on average pay, a gazetted Government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave-salary in India, a separate leave-salary certificate should be issued in respect of that period under the provisions of rule 53 above.

60. When a Government servant proceeds out of India on leave other than extraordinary leave, the Principal Auditor who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in form no. 4, with enclosures in form no 5, requiring him to call at his office or give the necessary information.

Note—If a Government servant sent home to Europe as a lunatic is granted leave, a leave salary certificate should be prepared, if necessary, by the Principal Auditor who audits his pay on the data available to him, and forwarded to the High Commissioner for India at the earliest possible date

61. If the Government servant calls at the Audit office he will be paid up to the date of his relief and will be given a leave-salary certificate in the appropriate form as prescribed in rule 59 above. In the case of Government servants proceeding to a Colony the Colonial leave-salary warrant (form no 3) will be issued in triplicate. The original bearing the Government servant's signature will be forwarded by the Principal Auditor to the Colonial authority concerned the duplicate to the High Commissioner for India, and the triplicate will be made over to the Government servant concerned.

Note—If the Government servant takes a certificate under clause (b) of rule 59 above, he will not be paid up to the date of relief, but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave salary for the rest of the month.

his leave-salary is drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Principal Auditor who passes the Government servant's leave-salary.

71. When no space for the entry of endorsements of payment remains upon the back of a Colonial leave-salary warrant, or when a warrant is lost or destroyed, a fresh warrant should be issued by the Principal Auditor who issued the original warrant on the application of the Government servant concerned submitted through the Colonial Disbursing Officer. Issue of a fresh Colonial leave-salary warrant.

72. A Government servant who was on leave in Europe must, on return to India, deliver to the Principal Auditor the last-pay certificate obtained by him from the High Commissioner before he can obtain payment of any arrears of leave-salary or pay due to him. A Government servant who has drawn his leave-salary on a warrant must deliver his copy of the warrant which will serve as a last-pay certificate. Return to duty.

73. Changes in the above rules, except those which relate to Colonial leave-salary warrants, may be made by the Accountant General, Railways, or the Military Accountant General in accordance with the special rules of his own department. Railway and Military Accounts departments.

Special rules relating to military officers.

74. As soon as the grant of furlough or leave to a military officer in civil employ has appeared in orders, the Principal Auditor in charge of the military officer's record of pension service must, in the case of furlough to Europe, North Africa, America or the West Indies, forward to the High Commissioner for India a statement of the officer's service in such form as the military authorities may prescribe. This statement is not required in the case of officers proceeding on furlough under the staff or British leave rules.

75. When furlough or leave or an extension of furlough or leave is granted to a military officer in civil employ, whether subject to the civil or the

military leave rules, the civil Audit officer should intimate to the Principal Auditor in charge of the officer's record of pension service the date of the beginning and end of the furlough or leave, the dates of embarkation and debarkation in the case of furlough out of India, as well as those of being struck off or of resuming duty.

76. Whenever the furlough of a military officer subject to the military leave rules begins before embarkation or ends after disembarkation, the Principal Auditor should inform the Government of India in the Army department of the date on which it begins or ends.

77. On the return of an officer from furlough or leave, it will be the duty of the Principal Auditor in charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not, to report the case to the authority which sanctioned the leave.

Leave account.

78. The leave account prescribed in Fundamental Rule 76 should be kept in form no. 11 The office in which the account should be kept for any Government servant and the person by whom the entries should be attested will be such as are prescribed by the Local Government.

ANNEXURE A.

Memorandum of information for the guidance of Government servants proceeding on leave out of India.

1. If a certificate of departure accompanies this memorandum, the Government servant should sign, stamp and post it to the Principal Auditor from whom the memorandum is received. Report of sailing

2. Leave begins on the day on which transfer of charge is effected, or if charge is transferred after noon, on the following day. Date of commencement of leave

3. Under Fundamental Rule 91 a Government servant may draw in India the leave-salary of the first part of any period of leave on average pay up to a maximum of four months, whether such leave be taken by itself or at the commencement of a longer period of leave When a Government servant on leave out of India exercises this option and desires to draw his leave-salary in India— Leave-salary certificate for payment in India.

(1) his pay and allowances up to the date preceding that on which his leave commences are payable in India under the usual rules; and

(2) if he is a gazetted Government servant, he must inform the Principal Auditor who audits his pay in his last post, through a form which will be received from him, from what treasury he wishes to draw his leave-salary and through what agency

4 In cases not falling under paragraph 3 above— Leave-salary certificate for payment at the Home Treasury

(1) the pay and allowances of the Government servant will be paid to him before he leaves India and the Principal Auditor who audits his pay in his last post will arrange for this; and

(2) the Government servant must take with him a leave-salary certificate to enable him to draw his leave-salary from the Home Treasury.

If the certificate cannot be prepared in time, or if a Government servant proceeding on leave to Europe is compelled to leave without a certificate, it will be forwarded to him to any address which he may leave.

Colonial leave-salary warrant for payment of leave salary in a Colony.

5. If a Government servant intends to draw his leave-salary in any of His Majesty's Colonies, the Principal Auditor who audits his pay in his last post will furnish him with a warrant addressed to the Colonial officer only on condition that any fund subscriptions due from him shall either be paid in advance or taken by deduction; in the latter case the warrant to the Colony will show only the net amount payable after such deduction.

Leave on medical certificate

6. A Government servant taking leave out of India on medical certificate should take with him one copy of the medical report upon his case, and be prepared to produce it before the Medical Board at the India Office, if required to do so.

Certificate of leave necessary in certain cases

7. If a Government servant proceeds on extraordinary leave out of India, or on leave on average pay out of India during which he does not propose to draw leave-salary, or if a Government servant proceeds to a Colony, he should obtain a certificate of leave in form no. 7 from the Principal Auditor who audits his pay in his last post. This certificate has to be presented by the Government servant to the High Commissioner for India, if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave or for permission to return to duty or for a last-pay certificate before returning to duty.

Subscriptions to funds

8. Subscriptions on account of the Bengal, Bombay and Madras Civil Funds and the Bengal and Madras Service Family Pension Fund may be paid either in India or in England at the option of the subscriber, and arrangement should be made for such payment by the subscriber. In the case of military officers in civil employ, subscriptions on account of Indian Military Service Family Pension Fund will be deducted from the leave-salary of the Government servants concerned. Government servants should see that the necessary deductions are made. Subscriptions for the Uncovenanted Service Family Pension Fund, the General Family Pension Fund and the Hindu Family Annuity Fund are not payable in England.

9. Subscriptions to the General Provident Fund may be paid by remittance in cash to the Audit office which audited his pay in his last post in the case of a Government servant on leave who draws his leave-salary from a Colonial Treasury, but when a subscriber draws his leave-salary from the Home Treasury of the Government of India, his subscription may be paid by deduction from such salary.

A Government servant who draws his leave-salary from the Home Treasury and who desires to subscribe during leave must notify his intention beforehand in order to allow of the deductions from his leave-salary being noted in his leave-salary certificate. He will not be subsequently permitted to discontinue subscribing during leave.

10. A Government servant before his departure should communicate—

(i) if a member of the Indian Civil Service in connection with the Indian Civil Service Provident Fund, or a subscriber to the Bengal and Madras Service Family Pension Fund—with the Accountant-General, Central Revenues,

(ii) if any other civil officer—with the Secretary of the fund to which he subscribes,

informing him of the arrangements he proposes to make regarding the payment of his subscriptions during his absence

11. Contributions due under the Indian Civil Service Family Pension Regulations must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of his donation in India before leaving or pay the remaining instalments in England at English rates Subscribers to this fund will obtain from the Principal Auditor who audits his pay in his last post a certificate of the date up to which they have paid their subscriptions.

Report of arrival in the United Kingdom

12 When a Government servant arrives in the United Kingdom, he should at once report his arrival by letter to the High Commissioner for India, giving an address at which letters will find him, and he should forward his leave-salary certificate to the same authority on arrival, or as soon as he receives it from India.

Payment at the Home Treasury

13. The leave-salary of all Government servants is issued from the Home Treasury monthly in arrear on the first day of each calendar month They will be paid to the Government servant on his personal application, or to his banker or other agent, duly authorized under power-of-attorney, on production of a life certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having guaranteed the Secretary of State or the High Commissioner against loss consequent on his dispensing with the production of such proof), or on presentation of a payment form comprising a receipt and a life certificate both duly completed by the Government servant A

supply of life certificate forms may be obtained from the High Commissioner on the Government servant's written application.

Note—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches

Payment in a Colony.

14. Payment of leave-salary will not be made by a Colonial authority unless the Government servant produces his copy of the warrant. Each payment made in the Colony will be endorsed upon the warrant.

When no space for the entry of endorsements of payment remains upon the back of a Colonial leave-salary warrant, or when a warrant is lost or destroyed, the Government servant concerned should make an application for a fresh warrant through the Colonial Disbursing Officer to the Principal Auditor who issued the original warrant.

Transfer of payment from one Colony to another.

15 If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

Transfer of payment from the Home Treasury to a Colony and *vice versa*

16 If a Government servant drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner If one drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant from the High Commissioner A transfer of this kind must be reported by the Government servant to the Governor General in Council.

Extension or commutation of leave.

17 A Government servant absent on leave in Europe, North Africa, America or the West Indies who wishes to have his leave extended or commuted, must apply to the High Commissioner for India about three months before the expiry of his leave, and, unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Government on whose cadre he is borne has been referred to by him and has no objection to the extension or commutation desired It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

18. If on medical grounds a Government servant on leave in any of the localities named in paragraph 17 desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board, but in special cases, and particularly if he is residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signature of qualified medical practitioners. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinarily be charged to the Government servant

19. If a Government servant on leave in any of the localities named in paragraph 17 has been granted leave on medical certificate and desires an extension on grounds other than medical, he must satisfy the Medical Board as prescribed *in paragraph 18 above that he has recovered his health.* Any such extension without medical certificate will only be admissible if the extension was due at the time the original leave was granted

In the case of a commissioned medical officer the Local Government will make a reference to the Director General, Indian Medical Service, before granting the permission.

20 A Government servant on leave out of India elsewhere than in any of the localities named in paragraph 17 who wishes to have his leave extended or commuted must apply three months before the expiry of the leave to the authority in India which granted it.

21 If an application made under paragraph 20 above is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form —

> "We hereby certify that we have carefully examined *C.D* of the————who is suffering from ————and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which

will expire in India on————shall be extended by———————— $\frac{\text{months}}{\text{weeks}}$ ————————

Date———————— } ————————

Place———————— } ————————.

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

22. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate or colonial leave-salary warrant has been issued unless he produces a certificate of leave, (*vide* paragraph 7 *ante*)

23. Leave out of India on medical certificate may be commuted into leave without medical certificate if such leave was due at the time when the original leave was granted, and if the Government servant seeking commutation is certified, in the manner prescribed, to have recovered his health. When extension of the commuted furlough is applied for, the application must be supported by evidence that the Local Government consent to the extension of his leave.

24 A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence unless his leave is extended by the Local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Fundamental Rule 15, which runs as follows :—

"A Government servant shall not, save in the case of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify."

Return from leave.

25 A Government servant may not without permission of the authority which granted him leave, return to duty more than 14 days before the end of long leave. The rule applies to military officers subject to the military leave rules. He must obtain permission to return to duty from the Local Government.

26. A Government servant who is required to produce a medical certificate of fitness before returning to duty must obtain permission to return to duty before so returning.

27. If the Government servant desiring to return is on leave in any of the localities named in paragraph 17, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in paragraph 18 above. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

28. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in paragraph 17, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

29. Permission to return will not be granted to a Government servant to whom no leave-salary certificate or colonial leave-salary warrant has been issued until he produces a certificate of leave

Last-pay certificate

30. Before returning to duty a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate will not be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave A *Government servant who has drawn his leave-salary on a* warrant must, on return to India, deliver to the Principal Auditor by whom the pay of the post which he will join will be audited, his copy of the warrant which will serve as a last-pay certificate.

Procedure on return to duty

31. A *gazetted Government servant must report his* return to duty to the Government under which he is serving. A Chaplain must report his return to the Bishop of his Diocese also.

32. A Government servant is not entitled on his return from leave to resume, as a matter of course, the particular post he vacated before his departure on leave, even though that post may be his substantive post, he must report his return to duty and await orders.

33. A Government servant may return to India by any port, and his leave ends on the day preceding that on which the vessel arrives at the port where he last quits it If, however, the leave from which he returns is of four months' duration or less, his leave ends on the day preceding that on which he takes charge of his duties, unless he takes charge in the afternoon, when the leave terminates on and includes that day

34 On return to duty, the last-pay certificate obtained from the High Commissioner should be exchanged for a last-pay certificate which the Audit office of the province to which he has been posted will furnish addressed to the Treasury or office at which, after his return, the Government servant intends to draw his pay and allowances.

Advances. 35 A Government servant returning from leave out of India may be granted an advance of his leave-salary for the unexpired portion of his leave, subject to a maximum of 35 days from the date of embarkation for India. On arrival in India an advance may, if he desires it, be paid to a Government servant by or under the order of the Audit office of the province to which he has been posted under rules framed by the Local Government.

To a Chaplain proceeding on furlough (not combined with privilege leave) to England, an advance of the first quarter's allowance may be made in India which will not be recoverable in the event of his death.

To a military officer subject to the Military Furlough Regulations of 1868 proceeding on furlough (not combined with privilege leave) to England, an advance of furlough pay may, if he desires it, be made for three months from the date of embarkation Payments in continuation will be made in England on the expiration of four months from that date.

Acceptance of service during leave 36. A Government servant is not permitted to take any service or accept any employment without obtaining the previous sanction of—

(a) the Secretary of State, if the Government servant is residing in Europe, North Africa, America or the West Indies; or
(b) the Governor General in Council, or the authority competent to appoint him, if he is residing elsewhere.

SECTION II.—PROCEDURE RELATING TO LEAVE IN INDIA.

Rules made by the Local Government under Fundamental Rule 74 (*a*) (*i*) *to* (*iii*).

GENERAL.

79. The instructions issued by the Auditor General under Fundamental Rule 74 will be found in section I of this chapter.

LEAVE ACCOUNTS.

80. The leave account required by Fundamental Rule 76 shall be maintained in form no. 11 prescribed by the Auditor General.

81. (*a*) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the Principal Auditor responsible for the audit of his pay.

(*b*) The leave account of a non-gazetted Government servant shall be maintained by, or under the direction of, the head of the office in which he is employed. The entries in the leave account shall be signed by the head of the office, or if the head of the office be a non-gazetted Government servant, by his immediate superior.

APPLICATION FOR LEAVE.

82. Except as provided in rules 84 and 85, an application for leave or for an extension of leave shall be made to the authority competent to grant such leave or extension as specified in rules 35 to 37.

83. Applications for leave from gazetted Government servants whose leave accounts are maintained by, or under the direction of, the Principal Auditor should be submitted to the competent authority through that officer.

Note.—When an application is supported by a medical certificate which is not in proper form, the transmission of the application to Government should not be delayed on that account by the Principal Auditor. The medical

certificate should be returned to the Head of the department concerned, who should obtain a certificate in the proper from (vide rules 89, 91 and 93). and forward it direct to Government

84. An application for leave by a Chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese or to the Presidency Senior Chaplain of the Church of Scotland in Bengal, as the case may be, who will transmit it with his remarks to Government for orders in case it is not within his competence to sanction the leave. In cases of urgency, leave on medical certificate may be granted by the Local Government in anticipation of the concurrence of the Bishop or Presidency Senior Chaplain, who *should however be informed without delay.*

85. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on *medical certificate or for an extension of such leave,* must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director-General, Indian Medical Service. The Director-General will countersign the application if the state of the public service admits of the grant of the leave, otherwise he will abstain from countersigning it. In either case he will forward the application for disposal to the authority competent to grant the leave.

Note.—When leave or extension of leave to a commissioned medical officer in temporary civil employ is sanctioned by Government, a copy of the order should be communicated to the Director General, Indian Medical Service

86. A Government servant transferred to foreign service must, *before taking up his duties in foreign* service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

MEDICAL CERTIFICATES.

General rules. 87. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

88. Every certificate of a Medical Committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or the rules to which he is subject.

89. Before a gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form or as nearly in that form as the circumstances permit :— Procedure in the case of gazetted Government servants

"I, *A. B.*, surgeon at (or of)...........do hereby certify that *C. D.* of the...........service (or department) is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a leave of absence is essentially necessary to his/her recovery, and do therefore recommend that he/she may be permitted to proceed to ...."

This certificate should be accompanied by a statement of the Government servant's case in form no. 12.

90. Having secured such a certificate, the Government servant must, except in cases covered by rule 93, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a Medical Committee. He should then present himself with two copies of the statement of his case before such a Committee. The Committee will be assembled under the orders of the Inspector-General of Civil Hospitals, who will, where practicable, preside over it at such place as Government may appoint.

Note.—The Medical Boards which are, under paragraph 1371 of the Manual of Government Orders, constituted at divisional headquarters excepting Gorakhpur in connection with the applicants for invalid pension will also consider the cases of applicants for leave

91. Before the required leave or extension of leave can be granted, the Government servant must

obtain from the Committee a certificate to the following effect :—

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of *C. D.* to be such as to render leave of absence for a period of..............months absolutely necessary for $\frac{\text{his}}{\text{her}}$ recovery."

92. Before deciding whether to grant or refuse the certificate, the Committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect —

"*C. D*, having applied to us for a medical certificate recommending the grant to $\frac{\text{him}}{\text{her}}$ of leave, we consider it expedient, before granting or refusing such a certificate, to detain *C. D.* under professional observation *for*............*days.*"

93. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a Committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 91, either—

(*a*) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil stations in whatsoever province they may be serving; or

(*b*) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district or the Commissioner of the division

94. The grant of a certificate under rule 91 or 93 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave, and the orders of that authority should be awaited.

Procedure in the case of non-gazetted Government servants in superior service.

95. An application by a non-gazetted Government servant in superior service for leave, or for an extension of leave, on medical certificate, must be accompanied by a certificate from the applicant's medical attendant. Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration, and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. It should be countersigned by a Presidency Surgeon if the applicant is in a Presidency town, otherwise by the officer in chief medical charge of the district in which the applicant resides. Subject to the orders contained in the notes below, the authority competent to grant leave may, however, in its discretion accept a certificate from the applicant's medical attendant without such countersignature; or if the applicant be a female, and if the medical attendant is not a woman, may accept the countersignature of a registered female medical practitioner or dispense with countersignature if no female medical practitioner is available; if, however, the medical attendant is a registered female practitioner, no countersignature shall be required

Note —(1) Medical certificates may be accepted without countersignature from civil assistant surgeons and sub-assistant surgeons in Government employ, provided that the names of such civil assistant surgeons and sub assistant surgeons are borne on the register of medical practitioners registered under the United Provinces Medical Act, III of 1917

(2) Medical certificates may also be accepted without countersignature from medical practitioners referred to in the schedule attached to the United Provinces Medical Act, III of 1917, provided such medical practitioners have registered their names in the register of medical practitioners under the said Act

(3) The intention of Government is that certificates by civil assistant surgeons, sub-assistant surgeons and private medical practitioners mentioned in notes (1) and (2) should ordinarily be accepted without countersignature unless there are special reasons to the contrary

(4) The production of a medical certificate does not in itself confer upon the Government servant concerned any right to leave and the orders of the competent authority must be awaited

96. No certificate should be submitted for countersignature without the cognizance of the head of the office in which the applicant is serving.

97. The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit.

Procedure in the case of non-gazetted Government servants in inferior service

98. In support of an application for leave, or for an extension of leave, on medical certificate, from a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

GRANT OF LEAVE.

99. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations:—

(a) The Government servants who can, for the time being, best be spared

(b) The amount of leave due to the various applicants.

(c) The amount and character of the service rendered by each applicant since he last returned from leave

(d) The fact that any such applicant was compulsorily recalled from his last leave.

(e) The fact that any such applicant has been refused leave in the public interests.

100. When a Medical Committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave may none the less be granted to such Government servant, if due, by a competent authority, on the following conditions:—

(a) If the Medical Committee is unable to say with certainty that the Government servant will never again be fit for service in

India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a Medical Committee.

(b) If the Medical Committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the Committee, or, if he is not on leave, from the date of the Committee's report.

(c) A Government servant declared by the Committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

101. Leave should not be granted to a Government servant who is to be dismissed or removed from service for misconduct or general inefficiency if such leave will have the effect of postponing the date of dismissal or removal, or to a Government servant whose conduct is at the time forming, or is in the near future about to form, the subject of departmental enquiry.

102. If, in a case not covered by rule 101. Government decide, before a Government servant whom they have the power to remove from the service leaves

India, that he shall not be permitted to return to duty in India, they shall give notice to him before he leaves India, so that any remonstrance which he may wish to make may be considered on the spot.

103. If, when a Government servant is going on leave out of India, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is not possible to say, before his departure from India, whether it will be permanent or temporary, or if for any reason it is considered inexpedient that a Government servant who is on leave should return to India, Government shall report the circumstances fully to the Government of India for transmission to the India Office so that the Secretary of State in Council may take any necessary measures before the Government servant would in ordinary course be permitted to return to duty. The report should reach the Government of India in time to permit of their transmitting it so as to reach the India Office at the latest three months before the end of the Government servant's leave.

104. The abolition of the post of a Government servant absent on leave out of India should be immediately communicated to the Government of India for transmission to the Secretary of State.

105. When leave on medical certificate or ordinary leave on medical grounds has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, Government shall, without delay, forward a copy of the medical statement of the case to the High Commissioner for India for transmission to the Medical Board at the India Office.

Note.—All statements of medical cases for Government servants proceeding on leave out of India on medical certificate should contain the fullest possible information for the guidance of the Medical Board at the India Office, London.

106. Leave to a gazetted Government servant must not be granted without obtaining a report from the Principal Auditor upon his title to leave. Such a report from the Principal Auditor is not required in the case of a non-gazetted Government servant.

DEPARTURE ON LEAVE.

107. Every Government servant proceeding on leave out of India should procure from the Principal Auditor and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India referred to in rule 58. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

108. A Government servant taking leave out of India must report his embarkation, through the Principal Auditor, to the authority which granted his leave in form no. 9.

RETURN FROM LEAVE.

109. A gazetted Government servant, on return from leave, must report his return to Government. A Chaplain must report his return to the Bishop of his Diocese also.

110. A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume, as a matter of course, the post which he held before going on leave. He must report his return to duty and await orders.

SECTION III.—PROCEDURE RELATING TO LEAVE ELSEWHERE THAN IN INDIA.

Rules made by the Governor General in Council under Fundamental Rule 74(b).

REPORT OF ARRIVAL IN THE UNITED KINGDOM.

111. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India

PAYMENT OF LEAVE-SALARY.

112. No Government servant can begin to draw leave-salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in form no. 2, which has been prescribed by the Auditor General. Payment at the Home Treasury.

113. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

114. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods :—

(a) To the Government servant himself on his personal application.

(b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence a life certificate is unnecessary.

Note.—A supply of life certificate forms may be obtained from the High Commissioner

(c) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the Government servant.

Note.—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches

Payment in a Colony.

115. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in form no. 3 has been issued in his favour. Such warrants will be issued in triplicate. The orginal, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned, the duplicate to the High Commissioner, and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the Colonial authority is in possession of the original and the Government servant of the triplicate of the warrant .

116. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

117. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer

118. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

Transfer of payment from the Home Treasury to a Colony and vice versa.

119. (a) If a Government servant who is drawing his leave-salary in a Colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave-salary from the Home Treasury desires to

transfer payment to a Colony, he must obtain a warrant in form no. 3 from the High Commissioner, who will forward the original of the warrant to the Colonial authority concerned.

(*c*) A transfer sanctioned under clause (*a*) or (*b*) of this rule must be reported by the Government servant to the Governor General in Council.

EXTENSION OF LEAVE.

General rule

120. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

Application by Government servants on leave in Europe, North Africa, America or the West Indies.

121. An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

122. If a Government servant on leave in any of the localities named in rule 121 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High

Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

123. If a Government servant on leave in any of the localities named in rule 121 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 122, that he has recovered his health.

Application by Government servants on leave elsewhere out of India.

124. An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 121 must be made to the authority which granted the leave.

125. If an application made under rule 124 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

"We hereby certify that we have carefully examined *C. D.* of the————who is suffering from ————and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on———, shall be extended by———— —— months/weeks"

Date————

Place————

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

126. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form no. 7. *Certificate of leave necessary before extension can be granted to a Government servant who is not in possession of a leave-salary certificate*

RETURN FROM LEAVE.

127. A Government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning. *Permission to return.*

128. If the Government servant desiring to return is on leave in any of the localities named in rule 121, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so he must follow the procedure prescribed in rule 122. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

129. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 121, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

130. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in form no. 7.

131. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued *Last pay certificate*

unless he produces a certificate of leave in form no. 7 A Government servant who has drawn his leave-salar on a warrant must, on return to India, deliver to th Audit officer his copy of the warrant, which will serv as a last-pay certificate.

CHAPTER X.—PROCEDURE RELATING TO THE MAINTENANCE OF RECORDS OF SERVICE.

SECTION I.—INSTRUCTIONS ISSUED BY THE AUDITOR GENERAL UNDER FUNDAMENTAL RULE 74.

132. A service book in form no. 13 should be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment with the exception of those the particulars of whose service are recorded in a history of services or in a service register maintained by the Audit officer, or for whom special forms of record are prescribed by the Local Government. In this book every step in the Government servant's official life should be recorded and each entry should be attested by such superior officer as may be prescribed by the Local Government.

133. If a Government servant is transferred to foreign service, the Audit officer referred to in rule 50 will on receipt of the service book from the Head of the office or department concerned, note in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which he may consider to be necessary, and return the same to the officer from whom he received it. On the Government servant's re-transfer to Government service, the Audit officer will again note in the service book, under his signature, all necessary particulars concerned with the foreign service All entries relating to the time spent in foreign service should be attested by the Audit officer.

SECTION II.—RULES MADE BY THE LOCAL GOVERNMENT UNDER FUNDAMENTAL RULE 74 (*a*) (*iv*).

Gazetted servants

134. A record of the services of a gazetted Government servant will be kept by such Audit officer and in such form as the Auditor General may prescribe

Non-gazetted servants.

(a) Service books.

135. With the exceptions noted below, a service book (form no. 13 prescribed by the Auditor General) should be kept for every non-gazetted Government servant holding a substantive post on a permanent establishment in which every step in his official life should be recorded, each entry being attested by the head of his office or by his immediate superior if the Government servant is himself the head of an office.

The following are the exceptions referred to :—

(i) Inferior servants of all sorts.

(ii) Police servants of rank not higher than head constables.

136. A service book is supplied at his own cost to every Government servant on his first appointment. It is kept in the custody of the head of the office in which he is serving and transferred with him from office to office. It may be given up to the Government servant if he resigns or is discharged without fault, an entry being first made therein to this effect. The head of the office should see that all entries in the service book are duly made and attested. There should be no erasure or overwriting, all corrections being neatly made and properly attested.

137. It is the duty of every Government servant to see that his service book is properly kept up in accordance with the previous rule. If the book is not carefully kept up, difficulties may arise as to verification of service when the Government servant applies for pension. The head of the office will therefore, allow the Government servant to examine the service book, should the Government servant at any time desire to do so. Ordinarily there should be no occasion for this, as the examination should be made whenever the Government servant is required to sign against an entry in his service book.

138. Personal certificates of character should not, unless Government so direct in a particular case, be entered in column 15; but if a Government servant is reduced to a lower substantive post, the cause of the reduction should be briefly stated thus: "Reduced for inefficiency," "Reduced owing to revision of establishment," etc.

139. Every period of suspension from employment and every other interruption in service should be noted, with full details of its duration, by an entry written across the page, and attested by the head of the office or other attesting officer. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-gazetted Government servant concerned.

140. (*a*) If a Government servant is transferred to foreign service, the head of the office or department should send his service book to the Principal Auditor, who will return it after noting therein, under his signature, the orders sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service, and any other particulars which the Principal Auditor may consider to be necessary in connection with the transfer. On the Government servant's re-transfer to the British service his service book should again be sent to the Principal Auditor, who will then note therein, under his signature, all necessary particulars connected with the Government servant's foreign service.

Note.—No entries made in the service book of a Government servant on foreign service under an employer who is not under the orders of Government can be attested by any officer except the Principal Auditor.

(*b*) The above rule does not apply to foreign service under an employer who is under the orders of Government in cases in which the pay is audited by the Principal Auditor.

(b) Service rolls.

Inferior servants of all sorts.

141. Service rolls in form no. 14 to be supplied at the expense of Government should be maintained for all inferior servants (other than members of the Police force referred to in rule 142 below) holding substantive appointments on a permanent establishment. The rolls should be most carefully examined and under "Details of service" should be entered all the information required by rule 142 below, full particulars in regard to every entry being given in the remarks column. These service rolls should invariably be submitted with the pension papers to the Principal Auditor.

Note.—Where service books existed for inferior servants on the 1st January, 1922, they will be kept on and the rules as to service books will apply to them. But service rolls must be introduced in these cases as soon as the existing service books have been filled up.

145. A Government servant whose work requires him to be present at his station for a portion of the vacation is not considered to have availed himself of the vacation if he has not been absent from the station except on duty for more than fifteen days of the vacation Every such Government servant should immediately after the close of the vacation furnish a certificate either—

(i) that he was not absent from his station for more than fifteen days, or

(ii) that he was absent from his station for a specified number of days exceeding fifteen.

Note—In the case of gazetted Government servants the certificate should be forwarded to the Principal Auditor through the Head of the department, or direct if the Government servant is himself the Head of the department. In the case of a non-gazetted Government servant the certificate countersigned by the head of the office should be appended to the leave account

146. Other Government servants shall be considered to have availed themselves of the vacation unless by general or special orders issued by the authority competent to grant leave they are prevented from doing so by reason of their having to remain at their post on duty.

Note 1—Assistant Sessions Judges are required to be present on duty during part of the vacation to take criminal sessions, and rule 145 applies to them

Note 2—In the case of a Government servant who is prevented from availing himself of the full period of a vacation by reason of his transfer, the time actually spent in travelling from one station to another and not the full joining time admissible under the rules shall be deducted from the period representing the part of the vacation enjoyed for the purpose of Fundamental Rule 82(b)

CHAPTER XII.—DRAWAL OF COMPENSATORY ALLOWANCES DURING LEAVE.

Rules made by the Local Government under Fundamental Rule 93.

147. Subject, in respect of house-rent allowance and a permanent monthly travelling allowance and horse or conveyance allowance to the provisions of rules 149 and 150, a compensatory allowance attached to a post will be drawn in full by the Government servant performing the duties of that post.

148. A compensatory allowance, other than a house-rent allowance, a permanent monthly travelling allowance, and a horse or conveyance allowance may be drawn up to a maximum period of four months by a Government servant who takes leave on average pay from the post to which the allowance is attached or is transferred therefrom for not more than four months to another post, as well as by the Government servant performing the duties of the post to which the allowance is attached

Provided that—

(1) the authority sanctioning the leave or transfer, as the case may be, certifies that it is intended that the Government servant is to return, on the expiry of his leave or temporary duty, to the post to which the allowance is attached, or to another post carrying a similar allowance, and

(2) the Government servant himself if he is a gazetted servant, or the head of the office in the case of a non-gazetted servant, or his immediate superior in the case of a non-gazetted servant who is himself the head of an office certifies that he continues to incur the whole or a considerable part of the expense to meet which the allowance was granted

Note—Cases of uncertainty in which it is not known whether the Government servant will resume his post or not on return from leave should be referred to the Local Government for orders and will be dealt with as if it is known that the Government servant taking leave will not return to the post In deciding whether the allowance may be granted or not, the main question for consideration will be, whether, if the Government servant had remained on duty, he would have been displaced by the Government servant who relieves him

149. A house-rent allowance may be drawn by a Government servant on leave or transfer in the circumstances specified in rule 148; provided that he certifies that his previous rate of expenditure for a house continues during his absence and that he places his house, free of rent, at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot in such case draw the house-rent allowance attached to the post. If, however, the officiating Government servant, for a reason which a competent authority considers to be sufficient, refuses the accommodation placed at his disposal, he, and not the absent Government servant will draw the allowance

150. A permanent monthly travelling allowance or a horse or conveyance allowance is not admissible during leave of any kind, except in the following cases and on the conditions specified :—

A Chaplain and a military medical subordinate employed in the civil department in receipt of a conveyance or horse allowance.	During leave on average pay for a period not exceeding four months, and provided it is not drawn by any other Government servant during his absence.
Inspectors and sub-inspectors of Police in receipt of a conveyance or horse allowance.	During leave on average pay for a period not exceeding four months, and subject to the condition that no extra expense is thereby caused to the State, and to the production of a certificate that a conveyance or horse is actually maintained.
Lower subordinates of the Public Works department in the Buildings and Roads and Irrigation branches in receipt of a horse allowance.	During leave on average pay for a period not exceeding four months, and subject to the condition that no extra expense is thereby caused to the State, and that a horse is actually maintained.

151. A Government servant on hospital leave on full average pay under the rules in Chapter XIV may draw a compensatory allowance attached to his post only when there is no *locum tenens* to whom it is payable and when the conditions of proviso (2) to rule 148 above are fulfilled.

152. Exchange compensation allowance, if otherwise admissible under the orders issued by the Secretary of State under Fundamental Rule 44, may be drawn by a Government servant during the first four months of any leave on average pay.

CHAPTER XIII.—MATERNITY LEAVE.

Rules made by the Local Government under Fundamental Rule 101(*a*).

153. Maternity leave on full pay may be granted by the Head of the department to female Government servants for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier.

154. Leave of any other kind may be granted by competent authority in continuation of maternity leave, provided the request for its grant is supported by a medical certificate from any registered medical woman, preferably in Government employ.

CHAPTER XIV.—HOSPITAL LEAVE.

Rules made by the Local Government under Fundamental Rule 101(*b*).

155. Leave may be granted by the authority whose duty it would be to fill up the post (if vacant) to Government servants of the classes or members of the subordinate services specified below drawing a pay not exceeding Rs. 40 per mensem, whose duties expose them to special risk of accident or illness, during periods of illness in a hospital or dispensary or while receiving medical aid as an outdoor patient at the station or headquarters of the district in which they are serving; provided that—

(i) the period of such leave shall in no case exceed six months in any one term of three years, whether such leave is taken at one time or by instalments;

(ii) that full average pay is allowed only for the first three months and half average pay thereafter;

(iii) that the illness or injury is certified not to have been caused by irregular or intemperate habits and is directly due to risk incurred in the course of official duties of the Government servants concerned—

(*a*) guards of all departments in permanent employ,

(*b*) executive Government servants in the Police department enrolled under any Act of the Legislature;

(*c*) head warders, warders, and orderlies of the Jail department, and guards, warders, dressers and compounders of lunatic asylums, inclusive of female servants:

(*d*) subordinates of the Forest department (not being clerks);

(*e*) syces in the Veterinary department;

(*f*) an employé in the Government Press, whether on fixed pay or at piece rates.

(*g*) subordinates employed in Government laboratories,

(*h*) subordinates employed on the working of Government machinery, and

(*i*) peons and other Government servants serving in the Tarai and Bhabar

156. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed twenty-eight months.

CHAPTER XV.—LEAVE EARNED BY TEMPORARY AND OFFICIATING SERVICE

Rules made by the Local Government under Fundamental Rule 103(*a*)

157. (i) Leave may be granted to any Government servant without a lien on a permanent post while officiating in a post or holding a temporary post if he has officiated in or held such post continuously for at least two years, as follows :—

(*a*) leave on leave-salary equal to average pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or

(*b*) on medical certificate, leave on leave-salary equal to half average pay for three months at any one time, or

(*c*) extraordinary leave for three months at any one time.

Note.—The different kinds of leave referred to in this rule are cumulative and not alternative, leave of one kind may be combined with, or granted in continuation of, leave of another kind, provided that the total period of leave so taken shall not exceed four months at a time

Exception.—In the case of a Government servant officiating in a permanent post, or holding a temporary post, in a vacation department leave granted under clause (*i*) (*a*) of this rule shall be on leave-salary equivalent to half average pay provided that such a Government servant may be granted, under that clause, leave on leave-salary equivalent to average pay to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation.

(*ii*) If he has officiated in a post or held a temporary post for less than two years continuously he may receive leave as described above only if the grant of the leave involves no expense to Government.

158. If a Government servant is without interruption of duty appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively and debited with the amount of leave actually taken under rule 157 Leave

taken under rule 157 is not an interruption of duty for the purpose of this rule.

Note—Temporary and officiating service rendered under the Government of India or any other provincial Government and followed by confirmation under the Government of the United Provinces without interruption of duty will, up to the extent mentioned in this rule, be taken into account for the purpose of leave account, provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break of service till confirmation

159. A temporary engineer of the Public Works department may be granted at the discretion of the Local Government leave other than what is admissible under rule 157 above on such terms and with such leave-salary as they may think fit, subject to the proviso in Fundamental Rule 103 This indulgence will be granted only as a matter of grace and cannot be claimed as a right

160. A military sub-assistant surgeon temporarily lent to the civil departmnet may be granted leav on average pay up to one-eleventh of the period spent on duty in the civil department subject to a maximum of four months at a time. Any other leave which it may be found necessary to grant to a military sub-assistant surgeon should be under the military rules.

161. A Government servant recruited by the Secretary of State for service in India in a temporary or officiating capacity will be granted leave in accordance with the terms of his contract, if any

(*See orders in Part I under Fundamental Rule* 103.)

CHAPTER XVI.—LEAVE ADMISSIBLE TO PART-TIME LAW OFFIC AND GOVERNMENT SERVANTS REMUNERATED BY FEES, PI WORK OR DAILY WAGES

Rules made by the Local Government under Fundamenta Rule 103(*c*).

162. A Law officer holding one of the posts mentionec Fundamental Rule 99 and a Government Pleader or Gove ment Prosecutor, if his pay is fixed at a definite rate but whole time is not retained for the service of Government, r be granted leave as follows :—

(*a*) Leave on average pay during the vacation of High Court or the Court of the Judicial C missioner of Oudh within whose jurisdiction serves : provided that no extra expense is ther caused to Government. Such leave will be cou ed as duty.

(*b*) Leave on half average pay for not more than months once only in his service after six years duty

(*c*) On medical certificate, leave on half average pay to a maximum of 20 months at any one tin provided that three years of duty must interv between any two periods of leave on medical ce ficate

(*d*) On the conditions prescribed in Fundamental R 85, extraordinary leave.

Note—When a Law officer who held a part-time appointment on the 31st Decen 1921, takes leave, his pay at the time of taking leave may be treated as his average for the purpose of this rule

163. Leave under any one of the clauses of rule 162 n be combined with leave under any other clause

164. A Government servant remunerated by fees may granted leave on the terms laid down in rules 162 and 1 above, provided that he makes satisfactory arrangements the performance of his duties, that no extra expense is cau to Government. and that during leave of the kind contempla

by clause (*b*) of rule 162 the whole of the fees are paid to the person who officiates in his post.

165. A section writer or a press servant paid under the piece work system, if granted leave, will not be entitled to any allowance whatever during his absence.

166. A labourer employed in a Government workshop or other similar institution when temporarily absent from work owing to injury received while on duty may be granted leave on full pay by the Head of the department for a period not exceeding three months, which may be extended on half pay thereafter up to six months with the previous sanction of the Local Government

Note —The limits prescribed above are to be regarded as inclusive of compensation under the Workmen's Compensation Act, where that is payable

167. A female servant employed at piece rates or daily rates in a permanent or *quasi*-permanent Government institution or concern may be granted by the Head of the department maternity leave on the same conditions and terms as laid down in rule 153

168. Any leave of absence granted to Government servants referred to in rules 166 and 167 above in circumstances other than those described in or in continuation of leave permitted under those rules, shall be without allowances of any kind whatever.

CHAPTER XVII.—LEAVE EARNED BY PROBATIONERS AND APPRENTICES

Rules made by the Local Government under Fundamental Rule 104(*b*).

169. In these rules—

(*a*) Probationer means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.

(*b*) Apprentice means a person deputed for training in a profession, trade or business, with a view to employment in Government service, who draws pay or subsistence grant at monthly rates from Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department.

170. Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation

171. Engineer apprentices and qualified students of the Thomason College under practical training may be granted leave under rule 170 above.

172. Except as provided in rule 171 above, leave of the following kinds may be granted to an apprentice —

(*a*) On medical certificate, leave on leave-salary equivalent to half average pay for a period not exceeding one month in any year of apprenticeship.

(*b*) Extraordinary leave under Fundamental Rule 85

CHAPTER XVIII.—JOINING TIME.

Rules made by the Local Government under Fundamental Rule 106.

173. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

Note 1.—"Holiday" for the purpose of this rule will be interpreted as in note (1) to rule 42.

Note 2.—No joining time is, however, admissible in the case of transfers between the Revenue and Judicial departments of a Collector's office which practically form part of the same establishment, being under the same officer.

174. In cases involving a necessary change of station, the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows :—

(*a*) A Government servant is allowed—

For that portion of the journey which he travels or might travel—	One day for each	
By railway ..	250 miles	
By ocean steamer ..	200 ,,	Or any longer time actually occupied in the journey
By river ,, .	80 ,,	
By motor car or horse-drawn conveyance plying for public hire	80 ,,	
In any other way .	15 ,,	

(*b*) For any fractional portion of any distance prescribed in clause (*a*) an extra day is allowed.

(*c*) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover

any period unavoidably spent in awaiting the departure of the steamer.

(*d*) Travel by road not exceeding five miles to or from a railway station at the beginning or end of a journey does not count for joining time.

(*e*) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor car or horse-drawn conveyance plying for public hire and his joining time is calculated accordingly.

(*f*) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days

175. When a Government servant returning from leave out of India exceeding four months takes joining time before joining his post, his joining time shall be calculated as prescribed in rule 174, provided that it shall, if he so desire, be subject to a minimum of ten days.

176. By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

177. If a Government servant is authorized to make over charge of a post elsewhere than at his headquarters, his joining time shall be calculated from the place at which he makes over charge

178. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment

179. If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave unless the leave is taken on medical certificate In the latter case the period may be treated as joining time.

180. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration his joining time will be calculated from his old station or from the place in which he received the order of

appointment, whichever calculation will entitle him to the less joining time.

181. The authority which granted the leave will decide whether the notice referred to in Fundamental Rule 105 (*b*) (*ii*) was insufficient.

182. A Government servant transferred to a post in a vacation department during vacation may join his new post at the end of the vacation even though the joining time calculated under rule 174 above is thereby exceeded.

183. The sanction of Government is required to the grant of joining time in excess of 30 days and such sanction will be given only in cases in which the spirit of the rules is not infringed.

184. Within the prescribed maximum of 30 days a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances :—

(*a*) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or

(*b*) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or

(*c*) when the rules have in any particular case operated harshly, as, for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

CHAPTER XIX.—INTEREST ON OVERDUE CONTRIBUTIONS.

Rules made by the Local Government under Fundamental Rule 119(*b*).

185. If a contribution for leave-salary or pension which is due from a Government servant in foreign service is not paid within fifteen days from the end of the period to which it relates, the Government servant concerned must pay to Government interest on the unpaid contribution, at the rate of four pies a day per 100 rupees upon the amount due, from the date of expiry of the period of fifteen days up to the date on which the contribution is finally paid.

186. If any amount due, including interest, is not paid within twelve months of its accrual, the Government servant concerned shall forfeit his claim to pension and leave-salary. In order to revive such claim the Government servant must first pay the amount due and then represent his case to Government.

CHAPTER XX.—SUPPLEMENTARY RULES.

Rules made by the Local Government in connection with the Fundamental Rules.

Age of admission to pensionable service under Government.

187. A person whose age exceeds twenty-five years may not ordinarily be admitted into the service of the State in superior pensionable service without the sanction of the Head of the department or a Commissioner of a division. The ordinary limit is extended to twenty-seven years in the case of a person appointed to a judicial office, and twenty-eight years in the case of a civil assistant surgeon who had taken a University degree or had passed the Intermediate examination in Arts or Science before commencing the study of Medicine.

Charge of office.

188. Unless for special recorded reasons (which must be of a public nature) the authority under whose orders the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved Government servants being present.

189. The condition imposed by rule 188 that both the relieving and relieved Government servants must be present is not enforced in the case of Government servants who are permitted to combine vacation with leave.

In such cases the following procedure will be followed:—

(a) When vacation is prefixed to leave, the outgoing Government servant will report before leaving headquarters, or if for urgent reasons the leave is granted during vacation as soon as it is granted, that he makes over charge with effect from the end of the vacation.

(b) When vacation is affixed to leave, the Government servant to be relieved will make over charge in the ordinary way before the vacation, the incoming Government servant on return at the end of the vacation taking over charge from the beginning of the vacation.

190. As a general rule and subject to any special orders to the contrary in particular cases, the headquarters of a Government servant on the staff of the Local Government, as for instance a Secretary or a member of the Secretariat establishment, are the headquarters of the Government for the time being.

191. The headquarters of any other Government servant are the station where the records of his office are kept, or in special cases, the station which has been declared to be his headquarters by the authority which appoints him.

Leaving jurisdiction.

192. No Government servant (other than a police officer acting within his legal powers or an excise officer acting under the orders of the Collector) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

193. The Local Government or such subordinate authority to whom the power is delegated may authorize any Government servant to proceed on duty to any part of British India, whether within or beyond the limits of the province or to any Indian State or foreign settlement in India.

194. A Government servant permitted under rule 193 to proceed to any place on duty may take with him such subordinate establishment and records as are absolutely necessary for the efficient discharge of his duties.

195. A controlling officer (see rule 88 of the Travelling Allowance Rules) may allow any Government servant subordinate to him to proceed on duty to any part of the province or to a district or foreign state or settlement adjoining the jurisdiction of the controlling officer and to draw travelling allowance under rule.

Arrangements in leave vacancies.

196. As a general rule, the duties of a Government servant absent on leave for a period not exceeding four months shall be discharged by another Government servant in the same station or district. Only in exceptional cases where there is absolutely no suitable Government servant available on the spot can the transfer of a Government servant from another station or district to act in consequence be allowed. In the case of posts held by members of an all-India service, if a qualified member

of that service is not available on the spot, a member of a provincial service should be appointed to officiate in or carry on the work of the appointment.

Grant of compensatory allowances during joining time.

197. A Government servant transferred from a post in which he drew a compensatory allowance to another post to which a compensatory allowance is also attached, may draw the allowance during joining time calculated, where the rates differ in the two posts, at the lower rate only.

Suspension.

198. Fundamental Rules 53 and 54 include Government servants holding temporary posts, but in deciding whether an allowance should be granted to such Government servants, the period for which the temporary posts have been sanctioned should be taken into account

Committals to Prison.

199. A Government servant committed to prison either for debt or on a criminal charge should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances should be made according to the circumstances of the case, the full amount being given only in the event of the Government servant being acquitted of blame, or (if the imprisonment was for debt) of its being proved that his liability arose from circumstances beyond his control.

Leave to Government servants serving under a contract or agreement.

200. In the case of a Government servant who is serving on a contract or agreement, no leave, including leave on medical certificate, shall be granted for a period extending beyond the term of the contract or agreement unless or until it has been decided to retain him in permanent employ.

Casual leave.

201. Casual leave is not recognised and is not subject to any rule. Technically therefore a Government servant on casual leave is not treated as absent from duty, and his pay is

not intermitted. Casual leave, however, must not be given so as to cause evasion of the rules regarding—

(i) date of reckoning allowances,
(ii) charge of office,
(iii) commencement and end of leave,
(iv) return to duty,

or so as to extend the term of leave beyond the maximum period admissible by rule.

202. Rule 201 should not be read as precluding the treatment as casual leave of absence from duty following on leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to the matters above specified, as for instance, when it is necessitated by—

(1) detention in plague camps on the way to rejoin, or
(2) orders not to attend office in consequence of the presence of infectious disease in the family or household of the person concerned

When, however, absence from duty for reasons of the nature above indicated exceeds the period which may reasonably be treated as casual leave under the discretion vested in the authority competent to grant leave, the Government servant may be granted leave on average or half or quarter average pay which may be due to him and thereafter extraordinary leave

Note—A substitute may be allowed with the sanction of the authority competent to fill the post if vacant for an absentee who is prohibited from attending his duties on account of some infectious disease in his family and whose duties cannot be arranged for without prejudice to his pay, provided that the absence does not exceed 30 days and the pay of the absentee does not exceed Rs 100 a month

Leave to Government servants in inferior service.

203. Government servants belonging to the inferior service may be granted leave under the rules in section IV of Chapter X of the Fundamental Rules only so far as it can be done without imposing any extra cost upon the State. The leave salary of the absentee must not exceed what remains from his pay after provision has been made for the efficient discharge of his duties, except when, in the resultant officiating arrangements a Government servant who has no substantive post is given more than half the pay of the post in which he officiates, in which case the excess over half pay granted to him may at the discretion of the competent authority be disregarded in calculating the sum available for the leave salary of the absentee

and the additional pay granted to Government servants officiating in consequence of his absence.

Allowances to ministers other than Chaplains.

204. A clergyman appointed under the orders of the Government to perform the duties of a Chaplain on the regular establishment is entitled to an allowance of Rs. 100 a month.

205. The allowances of a clergyman (whether of the Additional Clergy Society or any other recognised society) are regulated by the Local Government within an annual grant for the whole province.

Procedure for payment of contribution by Government servants transferred to foreign service.

206. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in rule 207) by the authority by whom the transfer is sanctioned. The Government servant himself should without delay send a copy to the officer who audits his pay and take his instructions as to the Audit Officer to whom he is to account for the contribution, report to the latter officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

207. (*a*) In the case of foreign service out of India the Account Officer is the Accountant General, Central Revenues.

(*b*) In the case of foreign service in India—

(1) if pay in foreign service is paid from a Government treasury and is subject to audit by an audit officer of Government, the Account Officer is such audit officer;

(2) otherwise, the Account Officer is the Principal Auditor of the province in which the municipality or other body concerned is situated, or in the case of service under an Indian State, the Principal Auditor of the Government under whose administration the State is.

208. Not later than 15 days after the end of each quarter for which pay in foreign service is earned, the Government servant concerned must remit in such manner as may be arranged with the Account Officer, the contribution payable by him for the quarter.

PART III.
Delegations.

DELEGATIONS.

Orders issued by the Local Government under Fundamental Rules 6 and 7.

1. (a) Statement I is a list of the authorities subordinate to Government who have been empowered to exercise the powers of the Head of a department in respect of the delegations made under these rules.

(b) Statement II is a list of the authorities who have been empowered to exercise the powers of the Head of a department in respect of certain specific matters.

(c) Statement III is a list of the delegations of powers made by Government under Fundamental Rule 6 Statement IV is a list of the delegations made under the subsidiary and supplementary rules framed by Government.

2. *Statements III and IV also include powers delegated to* administrative departments of Government. With reference to Fundamental Rule 7 the delegations in the statement should be regarded as the only cases in which the Finance department has declared that its consent may be presumed to have been given to the exercise by the departments of powers conferred by the rules upon Government.

3. The delegations made in the statements are subject to the following conditions :—

(a) Sanction to any proposal which may involve expenditure becomes operative only as soon as funds have been appropriated to meet it. Orders conveying sanction accorded under the powers delegated should indicate how the expenditure involved (if any) will be met.

(b) A power may be exercised by an authority to whom it is delegated in respect of those Government servants only who are under the administrative control of that authority.

(c) The nature of each power delegated is shown in column 3 of the statements. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.

(d) If any power conferred upon Government or other authority by the Fundamental, Subsidiary or Supplementary Rules,

as the case may be, is not shown in the statements, it is to be understood that such power is not delegated to any authority subordinate to Government or other authority, as the case may be.

(e) Any power delegated to the Head of a department may also be exercised by an administrative department of Government.

(f) Nothing contained in these statements will operate to restrict powers conferred upon any authority by other rules made under the Government of Ind a Act.

STATEMENT I.

List of authorities who are declared to be Heads of departments for the purpose of the Fundamental Rules, and of the subsidiary and supplementary rules made by the Local Government.

1. The Board of Revenue.
2. The High Court of Judicature, Allahabad.
3. Rt. Revd. the Bishop of Lucknow.
4. The Judicial Commissioner of Oudh.
5. Commissioners of divisions.
6. The Opium Agent.
7. The Chief Conservator of Forests.
8. Chief Engineers, Public Works department.
9. The Director of Public Instruction.
10. The Inspector-General of Civil Hospitals.
11. The Inspector-General of Police.
12. The Inspector-General of Prisons.
13. The Director of Public Health.
14. The Legal Remembrancer.
15. Conservators of Forests.
16. Superintending Engineers, Public Works department.
17. The Superintending Engineer, Public Health department.
18. The Director of Agriculture
19. The Director of Industries.
20. The Commissioner of Excise.
21. The Inspector-General of Registration.
22. The Registrar, Co-operative Societies.
23. The Veterinary Adviser to Government.
24. Agents to the Governor General for Rampur, Tehri and Benares.
25. The Deputy Director of Land Records.

STATEMENT II.

List of authorities who are empowered to exercise the powers of Heads of departments in respect of certain items included in Statements III and IV.

1 The Private Secretary to His Excellency the Governor	items 3 and 4 of Statement III and items 7, 8, 13 and 25 of Statement IV.
2. The Examiner, Local Fund Accounts	
3. The Superintendent, Government Press.	
4 The Chief Inspector of Offices	

STATEMENT III.

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces.

Serial number	Number of rule.	Nature of power	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
1	9(19)	Power to appoint a Government servant to officiate in a vacant post	Any authority who has power to make an officiating appointment to the post as (for instance) in a leave vacancy	Full power
2	10	Power to dispense with a medical certificate of fitness before appointment to Government service in individual cases	Departments of the Local Government	Ditto
3	13	Power to suspend the lien of a Government servant on a post and fill it provisionally substantive	Departments of the Local Government and Heads of departments	Full power in the case of non gazetted servants only, provided they have power to make a substantive appointment to the post on which the lien is held
4	14	Power to transfer the lien of a Government servant from one post to another	Ditto	Full power, provided they are authorized to make a substantive appointment to both the posts concerned
5	20	Power to reduce the pay and allowances of a *Government servant* treated as on duty under Fundamental Rule 9(6)(*b*).	Any authority who has power to *make* a substantive appointment to the post which the Government servant holds	Full power. In the case of a Government servant treated as on duty under rules 2 and 4 to 6 of the subsidiary rules, the Government servant deputed to undergo a course of instruction or

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule	Nature of power	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
				training or permitted to prepare for an examination may be permitted to draw pay and allowances not exceeding those attached to his post, subject to any general order of Government applicable to particular courses of instruction or training or to particular examinations In the absence of such general orders of Government the sanction of Government will be required to the drawal by the Government servant of any special pay or compensatory allowance attached to the post In every case the authority sanctioning the deputation of the Government servant to undergo a course of instruction or training or permitting him to prepare for an examination should specify the amount of pay and allowances to be drawn by him during the period

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued).

Serial number	Number of rule	Nature of power.	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
				of training or preparation time. A copy of the order should be sent to the Principal Auditor.
6	24	Power to withhold increments	Any authority who has power to make a substantive appointment to the post which the Government servant holds	Full power
7	Note under 31	Power to allow an officiating Government servant to draw pay of any one of the several grades or classes in a cadre	Departments of the Local Government	Full power in respect of non-gazetted Government servants only provided the pay of all the grades or classes is within the powers of sanction of the Local Government
8	Note under 32	Power to allow a Government servant officiating in a post on a time-scale of pay to draw as initial pay any stage in the time-scale	Ditto ..	Full power in respect of non gazetted Government servants only provided the maximum pay of the time-scale is within the powers of sanction of the Local Government
9	33	Power to fix within certain limits the pay of a Government servant officiating in a post the pay of which is personal	Ditto	Full power in respect of non gazetted Government servants only.
10	35	Power to reduce the pay of an officiating Government servant	Any authority who has power to make an officiating appointment to the post concerned	Full power subject to the general orders issued by the Local Government under the rule

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
11	36	Power to make officiating arrangements in the place of medical officers and subordinates deputed to undergo training at the X-Ray Institute, Dehra Dun	The Inspector-General of Civil Hospitals	Full power in cases where the arrangements do not involve the posting of a member of the Indian or the United Provinces Medical Service.
12	40	Power to fix the pay of a temporary post which will probably be filled by a Government servant	Any authority who has power to create a temporary post on the pay fixed	Full power
13	42(a)	Power to make a subsistence grant to a Government servant under suspension	The suspending authority	Ditto
14	42(b)	Power to make a subsistence grant to a Government servant appointed in the United Kingdom who is prevented by illness from proceeding to the seat of the Local Government or to any other station to which he is ordered to proceed direct	Departments of the Local Government	Ditto
15	45(b)	Power to fix a standard rent for a residence provided by Government	Ditto ..	Full power, provided that the rate of interest taken shall be the rate fixed from time to time by the Secretary of State in Council
16	45(e)	Power to remit rent	Ditto	Power to remit in cases where a part or whole of the residence is unoccupied for the following reasons — (i) When a Government servant is officiating in a post [illegible]

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued)

Serial number	Number of rule	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
				of which a residence has been provided, but is discharging the duties thereof in addition to those of his substantive post and does not actually occupy the house (*b*) When a Government servant, in addition to the duties of a post for the holder of which a residence has been provided carries on those of another post which preclude him from occupying the house (*c*) When a Government servant has been promoted or transferred to a post in the same station and it is not considered necessary that he should change his residence (*d*) When an Indian Government servant succeeds to, or officiates in, a post the residence appertaining to which has been constructed to suit the requirements of a European. This applies *vice versa* to the case of a European Government servant.

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power.	Authority to whom power is delegated.	Extent of power delegated
1	2	3	4	5
				(e) When a Government servant officiating in a post for a period not exceeding two months is actually prevented from occupying the house provided for him by circumstances which are considered sufficient to warrant an exception being made in his favour. (f) When a residence is rendered uninhabitable by reason of extensive repairs being in progress or from any other cause. NOTE—The consent of the Local Government in the Finance department is required to proposals which involve the grant of rent free quarters or reduction of the assessed rentals
17	49	Power to appoint a Government servant to hold temporarily or to officiate in more than one post, and to fix the pay of subsidiary posts and the amount of compensatory allowances to be drawn	Heads of departments	Full power, provided that they have power to appoint a Government servant permanently to each of the posts concerned, and subject to the orders issued by the Local Government under Fundamental Rule 35

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
18	56(*a*)	Power to retain Government servants, other than ministerial servants, in service after the age of 55 years	Departments of the Local Government.	Full power.
			Authority competent to fill the post, if vacant	Full power, provided that no Government servant is retained in service beyond the age of 60 years
19	56(*b*)	Power to retain a ministerial servant in service after the age of 60 years	Departments of the Local Government	Full power.
20	56 (*c*) (iv)	Power to grant a three months' extension of service to an engineer who has attained the age of 55 years	Public Works department of the Local Government, Buildings and Roads and Irrigation branches	Ditto
21	73	Power to extend leave	The authority who granted the leave	Full power If [illegible] Government [illegible] vant is no [illegible] under the administrative [illegible] trol of the auth[illegible] ity who [illegible] ed the leave th[illegible] authority [illegible] whose control [illegible] has been tr[illegible] ferred and wh[illegible] has power [illegible] grant leave [illegible] exercise power.
22	Note 2 under 89	Power to decide the period of leave on unrestricted average pay which may be taken by a Government servant transferred to a vacation department with leave at his credit	Departments of the Local Government.	Full power.

Statement showing the authorities to whom powers under certain rules in the Fundamental Rules have been delegated by the Government of the United Provinces—(concluded).

Serial number.	Number of rule.	Nature of power.	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
23	100	Power to grant certain kinds of leave to a military officer subject to the military leave rules	Departments of the Local Government	Full power
24	110(c)	Power to sanction transfer to foreign service in India other than to service in an Indian state	(1) Departments of the Local Government.	(1) Full power
			(2) Heads of departments and District and Sessions Judges.	(2) Full power to transfer to foreign service within the United Provinces and to temporary posts outside the United Provinces in cases where they have power to appoint or transfer in the ordinary course of administration
			(3) Commissioners of divisions and District Officers	(3) Full power to sanction the transfer to foreign service under the Court of Wards for appointment to such posts as may be filled by them on their own authority of subordinate Government servants of the Revenue department other than tahsildars or naib-tahsildars
25	125	Power to decide the date of reversion of a Government servant returning after leave from foreign service	Departments of the Local Government	Full power

STATEMENT IV.

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces.

Serial number.	Number of rule.	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
1	4 to 6	Power to allow time for preparation for certain examinations	Departments of the Local Government	Full power
2	24	Power to sanction the acceptance of an honorarium or fee from an outside source	Ditto ...	Ditto.
3	24	Power to sanction the acceptance by teachers in Government schools of fees for private tuition	Inspectors of Schools and Principals of Colleges	Full power to the extent of Rs 250 during a school term in each case.
			Inspectresses of Girls' Schools	Full power to the extent of Rs. 100 during a school term in each case
4	25	Power to grant leave other than disability leave and leave extending beyond the date of compulsory retirement to the following non-gazetted Government servants who are not in foreign service —	...	...
		(i) Revenue head clerks and treasury head clerks	District Officers	Full power only in cases where they can appoint substitutes in the resultant vacancies, i e for periods not exceeding four months
	..	(ii) Sub-Registrars	Inspector General of Registration	Leave up to four months
		(iii) Inspectors of Police and Sergeants	Superintendents of Police	Leave up to a limit of six weeks provided local arrangements can be made to appoint a Government servant to officiate in place of the absentee.

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power.	Authority to whom power is delegated	Extent of power delegated.
1	2	3	4	5
		(iv) Non-gazetted Government servants of Thomason Civil Engineering College, Roorkee	Principal of College	Full power.
		(v) Members of the United Provinces Subordinate Educational Service	Inspectors of Schools, Principals of Training Colleges, Allahabad, Lucknow and Agra, and Sanskrit College, Benares, Chief Inspectress of Girls' Schools and Superintendent, Reformatory School, Chunar	Leave of any kind not exceeding four months.
		(vi) Non-gazetted Government servants of the Educational department whose pay does not exceed Rs 100	Principals of Colleges, excluding Intermediate Colleges, Inspectors of Schools and Assistant Inspectors of Schools, Kumaun division	For periods not exceeding four months
		(vii) Mistresses of Government schools whose pay does not exceed Rs 100	Circle Inspectresses of Schools	Leave for periods not exceeding four months
		(viii) Members of the subordinate police force below the rank of Inspector and members of the office establishment	Superintendents of Police	All kinds of leave
		(ix) Non gazetted Government servants of Girls' Schools whose pay does not exceed Rs 100	Chief Inspectress of Girls' Schools	For periods not exceeding four months

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
		(x) Superintendents of Government Gardens	Director of Agriculture	For periods not exceeding six weeks provided the arrangements to fill the vacancies do not involve the transfer of the Superintendent of a garden
		(xi) Non-gazetted Government servants serving in technical schools on pay not exceeding Rs 100 per mensem.	Principals of Technical Schools	For periods not exceeding four months
		(xii) Upper subordinates in the Public Works department, Buildings and Roads branch (except honorary Assistant Engineers)	Superintending Engineers	Leave on average pay only
		(xiii) Upper subordinates and ziladars in the Public Works department, Irrigation branch	Ditto .	Leave not exceeding four months. In the case of upper subordinates in charge of sub divisions the Chief Engineer should be referred for orders as to the relieving Government servant
		(xiv) Lower subordinates in the Public Works department, Irrigation branch	Ditto .	Leave of all kinds.
		(xv) Lower subordinates in the Public Works department, Building and Roads branch.	Ditto ..	Ditto.

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power.	Authority to whom power is delegated	Extent of power delegated
1	2	3	4	5
		(xvi) Office and petty establishments in the Public Works department, Buildings and Roads branch	Superintending Engineers and Executive Engineers.	Leave of all kinds to Government servants under their control.
5	86	Power to grant leave other than disability leave and leave extending beyond the date of compulsory retirement to a gazetted Government servant who is not in foreign service	(a) Departments of the Local Government	Full power
			(b) The authorities mentioned below	To the extent shown against them below in respect of Government servants referred to in column 3 in each case.
		(i) Gazetted Government servants appointed by the High Court of Judicature, Allahabad	Chief Justice .	Full power.
		(ii) Gazetted Government servants of the Opium department.	The Opium Agent	Ditto
		(iii) District and Sessions Judges, Sessions and Subordinate Judges, Judges of Small Cause Courts, Subordinate Judges and Munsifs* in Agra	The Chief Justice of the High Court of Judicature at Allahabad or the senior Judge on duty	Leave of any kind for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the Government servants are local* and do not involve the transfer of a Government servant In the case of a Government servant belonging to a vacation department the authority mentioned in column 4 may also permit the Government servant to combine leave so sanctioned with vacation

* Except in respect of arrangements made to fill an officiating vacancy in the post of munsif, in which case the Chief Justice, High Court, may appoint candidates from another district

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule	Nature of power	Authority to whom power is delegated	Extent of power delegated.
1	2	3	4	5
		(iv) District and Sessions Judges, Sessions and Subordinate Judges, Judges of Small Cause Courts, Subordinate Judges and *Munsifs** in Oudh	The Judicial Commissioner, Oudh	Leave of any kind for periods not exceeding six weeks provided the arrangements made for carrying on the duties of the Government servants are local* and do not involve the transfer of a Government servant In the case of a Government servant belonging to a vacation department the authority mentioned in column 4 may also permit the Government servant to combine leave so sanctioned with vacation
		(v) Settlement Officers, Assistant Settlement Officers and Deputy Collectors on settlement duty	The Board of Revenue	Ditto
		(vi) Gazetted Government servants of the Police department	The Inspector-General of Police	Ditto
		(vii) Gazetted Government servants of the Registration department	The Inspector General of Registration	Ditto
		(viii) Gazetted Government servants† of the Medical department	The Inspector General of Civil Hospitals	Ditto
		(ix) Gazetted Government servants of the department of Jails	The Inspector-General of Prisons	Ditto

* Except in respect of arrangements made to fill an officiating vacancy in the post of munsif, in which case the Judicial Commissioner may appoint candidates from another district.

† In the case of officers of the Indian Medical department, the grant of leave is subject to the provisions of Fundamental Rule 100

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
		(x) Gazetted Government servants of the Public Health department.	The Director of Public Health	Leave of any kind for periods not exceeding six weeks, provided the arrangements made for carrying on the duties of the Government servants are local and do not involve the transfer of a Government servant. In the case of a Government servant belonging to a vacation department the authority mentioned in column 4 may also permit the Government servant to combine leave so sanctioned with vacation
		(xi) Gazetted Government servants of the Education department.	The Director of Public Instruction	Ditto.
		(xii) Gazetted Government servants of the Agriculture department	The Director of Agriculture	Ditto.
		(xiii) Gazetted Government servants of the Industries department	The Director of Industries	Ditto.
		(xiv) Gazetted Government servants of the department of Co-operative Societies	Registrar, Co-operative Societies	Ditto

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule	Nature of power	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
11	45	Power to require a Government servant to produce a medical certificate of fitness to return to duty from leave granted for reasons of health even though such leave was not granted on medical certificate.	The authority who granted leave	Full power.
12	100	Power to grant leave to a Government servant in respect of whom a medical committee has reported that there is no reasonable prospect that he will ever be fit to return to duty	Authority competent to grant leave of not lower status than Heads of departments	Ditto
13	138	Power to allow personal certificates of character of a Government servant to be entered in the service book	Heads of departments	Ditto
14	143	Power to decide in cases of uncertainty whether a Government servant should be granted the compensatory allowances attached to a post which he vacates on proceeding on leave or on temporary duty	Departments of the Local Government	Ditto
15	149	Power to accept as sufficient the reasons alleged by an officiating Government servant for refusing to occupy the residence placed at his disposal by the permanent holder of the post	Ditto ... Heads of departments	Ditto. Full power in respect of non-gazetted servants only.

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(continued).

Serial number.	Number of rule.	Nature of power	Authority to whom power is delegated	Extent of power delegated.
1	2	3	4	5
16	158	Power to grant maternity leave on full pay up to three months to mistresses in Government schools whose pay does not exceed Rs 100	Circle Inspectress of Schools.	Full power.
17	154	Power to grant to a female Government servant leave in continuation of maternity leave	Authority empowered to grant leave under serial nos 4 and 5 of this statement.	Ditto.
18	157	Power to grant leave to a temporary or officiating Government servant.	Ditto ...	Ditto.
19	159	Power to grant leave to a temporary Engineer of the Public Works department	Public Works department of the Local Government in the Buildings and Roads and Irrigation branches	Ditto.
20	166	Power to grant a labourer in Government employ absent from work owing to injury received on duty leave in excess of three months but not exceeding six months	Departments of the Local Government	Ditto.
21	176	Power to permit the calculation of joining time by a route other than that which travellers ordinarily use.	Heads of departments	Ditto.
22	181	Power to extend joining time on certain conditions subject to a maximum of 30 days	Departments of the Local Government	Ditto
			Heads of departments	Full power in respect of members of the provincial

Statement showing the authorities to whom powers under certain rules in the subsidiary and supplementary rules have been delegated by the Government of the United Provinces—(concluded).

Serial number.	Number of rule.	Nature of power.	Authority to whom power is delegated.	Extent of power delegated.
1	2	3	4	5
				services and n[illegible] gazetted Government servants
23	188	Power to relax for special and recorded reasons of a public nature the provisions of rule 188 so as to enable charge of an office being made or taken over elsewhere than at the headquarters station	Departments of the Local Government	Full power.
			Heads of departments	Full powers in respect of non-gazetted servants only
24	193	Power to authorise a Government servant to proceed on duty to any part of British India whether within or beyond the limits of the province or to any Indian state or foreign settlement adjoining the province	Departments of the Local Government.	Full power
			Director of Industries.	Full power in respect of Principals of Technical and Industrial Institutions.
			Deputy Inspectors-General of Police	Full power in respect of subordinate police officers
			Commissioner of Excise	Full power in respect of Government servants of the Excise Department
			Managing Director, Opium Factory, Ghazipur.	Full power in respect of subordinate employees of the Factory in connection with transport of consignments of opium
25	203	Power to disregard the excess over half pay granted to an outsider officiating in the chain of arrangements made in consequence of the grant of leave to an inferior servant in calculating the leave salary of the absentee	Heads of departments, District Officers and District and Sessions Judges	Full power

[Ad G Form F. R 1.]

FORM NO. 1.

[*See* Subsidiary rule 49 (b)]

Military department certificate of title to leave.

(Obverse)

Certified that ———————————— who is subject to the furlough rules of ——————— his ——————— $\frac{\text{years'} \quad \text{days'}}{\text{no}}$ furlough at his credit. He is eligible for furlough at the rates of pay specified :—

For ———————— years ———————— days on $\frac{\text{furlough pay}}{\text{English furlough pay}}$ ——— on $\frac{\text{private affairs}}{\text{medical certificate}}$ ———

For ———————— years ———————— days on furlough pay if granted an extension on medical certificate.

For ———————— years ———————— days on English furlough pay if granted an extension on medical certificate.

For ———————— years ———————— days without pay if granted an extension on urgent private affairs.

He $\frac{\text{is}}{\text{is not}}$ entitled to draw furlough pay at the rate of exchange of two shillings the rupee.

The ———————— 19

C. M I. ———————— *Command*

Note.—(O[illegible] of any leave already taken, the nature of such leave, and the rule under which it was taken)

(*Reverse*)

Leave already taken.		Nature of leave.	Rule under which taken.
Date of beginning	Date of ending.		

[Ad. G. Form F. R. 2.]

Form no. 2.

(*See* Subsidiary rules 53, 59 and 68.)

Leave-salary certificate.

Leave-salary certificate of ________________________

of the ________________________ proceeding on ____________

to ________________________

1. Government under which employed ... 1.
2. Substantive post ... 2.
3. Officiating post (if any) .. 3.
4. Statement of present leave ... 4.

Nature of leave (specifying periods on average pay, half average pay and quarter average pay separately).	Y	M	D	From	To	Monthly rate of leave [illegible] noted on the reverse.	[illegible] or other Regulations.

5. Place of payment .. .. .. 5.
6. Date from which first payment is to be made. 6.
7 7.
8 8.
9 9.
10. 10

instance 55 years of age.

		Y	M.	D
11 Period for and terms on which leave may be extended, or commuted otherwise than on extraordinary leave 11	granted			
	may be extended on medical certificate			
	without medical certificate on same leave-salary by			
(Further particulars required in the case of *military officers in civil employ*)				
12. Date of commencement of pension service 12				
13. Date of entry under civil leave rules . 13				
14. Amount of leave at credit at commencement of present leave. 14.	Earned in respect of service under military rules			
	Earned in respect of service while under civil rules.			
15. Date of being struck off duty . 15				

* The following particulars should be noted in this line.—

(1) the major, minor and detailed head of account,

(2) whether debitable to Central or Provincial revenues; if the latter, the name of the Provincial Government;

(3) whether the expenditure pertains to a "Reserved" or a "Transferred" subject;

(4) whether the expenditure is "voted" or "non-voted".

Deductions to be made.

			Rates	
Indian $\frac{\text{Civil}}{\text{Military}}$ Service Family Pension subscription.	For $\frac{\text{wife}}{\text{self}}$	£	per mensem from	
	,, sons	£	,, ,, ,,	
	,, daughters	£	,, ,, ,,	
	Total	£		

A balance of donation $\frac{\text{on}}{\text{for}}$ £ and interest £ *

is recoverable at £ a month from—

General Provident Fund

Indian Civil Service Provident Fund deductions (if any)

Signature,————

Place————

Date————

* In cases of subscribers to Indian Civil Service Family Pensions, interest accrued in India to be given here

Abbreviations.

M. C.	Medical Certificate.
E. C. A.	Exchange Compensation Allowance.
Y. M. D.	Years, Months, Days.
Art.	Article

Notes

1. Distinguish leave granted on medical certificate from leave granted without medical certificate and if the leave, though technically of the latter description, was granted in consequence of the production of a medical certificate, mention the fact.

[illegible]

3. The ordinary rate of conversion will be the rate of exchange for telegraphic [illegible]

4. It must be shown whether a Government servant is entitled to the full amount of leave permitted by the rules.

5. In line 7 the articles of the Fundamental or other rules under which the [illegible]

[illegible] ave, [illegible] to [illegible]

7. These rules apply also to leave-salary certificates granted to non-gazetted Government servants when they proceed on leave out of India and draw their leave-salary out of India.

[G. G.'s Form I.]

FORM NO. 3.

(*See* Subsidiary rules 59 and 61.)

Colonial leave-salary warrant.

Warrant no. – of 19 .

A. B. having been granted leave for a period of———months and———days under the orders of the Government of——— is hereby allowed the privilege of drawing his leave-salary at——— from———

2. His leave-salary will be as shown below and will be payable monthly in sterling converted from rupees at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, but will be subject to the following *maxima* and *minima* .—

Period.	Rate in rupee a month	Minimum rate of exchange.	Maximum. £ a month	Minimum. £ a month.
From .. .. to ..				
From .. .. to ..				
From .. .. to ..				

3. The payment should be charged to the High Commissioner for India for appropriation by him of the leave-salary under the following heading :—

4. The foll wing deductions are to be made from the leave-salary of each month before payment :—

Indian Civil/Military Service Family Pensions subscription	For wife/self	£	per mensem from
	„ sons	£	„ „ „
	„ daughters	£	„ „ „
Total		£	

A balance of donation on/for £ and interest £ is recoverable at £ a month from

General Provident Fund

Indian Civil Service Provident Fun l deductions (if any).

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at ———

The ————————

Accountant General or Comptroller.

N.B. ... which accounts dire... 42, Grosvenor Gar... h Dominion or Colo... giving particu- lars ...

Instructions for filling up the form in India.

1. The following particulars should be noted in column 3:—
   (1) the major, minor and detailed head of account;
   (2) whether debitable to central or provincial revenues; if the latter, the name of the provincial Government;
   (3) whether the expenditure pertains to a "Reserved" or a "Transferred" subject;
   (4) whether the expenditure is "voted" or "non-voted."

2. In cases of subscribers to Indian Civil Service Family Pensions interest accrued in India should be given against "interest" in column

3. Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

4. The signature of the Government servant concerned should be obtained on the original copy of the warrant.

5. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to the minimum rate of 1s. 4d. per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1s. 6d per rupee in other cases. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

6. In the case of Government ... s regarding the grant of passa... ile engaged for service in Ind... de showing whether they and ... VII, and whether they were allowed a similar benefit under either rule VII or rule VIII on returning to India.

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.			Amount.			Signature of paying officer.	Receipt of payee.
		£	s.	d	£	s	d.		

One copy of this warrant will be retained by A. B and will be given up to the [illegible] ach payment will be recorded on [illegible] g Officer and by A B, and will [illegible]

General Provident Fund

Indian Civil Service Provident Fund deductions (if any).

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave-salary from which it is deducted.

Dated at ——

The ——————

Accountant General or Comptroller.

N.B.—T[illegible] which accounts direct [illegible], 42, Grosvenor Garden, [illegible]h Dominion or Colony, [illegible] giving particulars of amounts of pay issued and of any deductions therefrom.

Instructions for filling up the form in India.

1. The following particulars should be noted in column 3:—

(1) the major, minor and detailed head of account;

(2) whether debitable to central or provincial revenues; if the latter, the name of the provincial Government;

(3) whether the expenditure pertains to a "Reserved" or a "Transferred" subject;

(4) whether the expenditure is "voted" or "non-voted."

2. In cases of subscribers to Indian Civil Service Family Pensions interest accrued in India should be given against "interest" in column

3. Leave-salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

4. The signature of the Government servant concerned should be obtained on the original copy of the warrant.

5. The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to the minimum rate of 1s. 4*d.* per rupee in respect of leave-salary drawn on account of the first four months of leave on average pay and of 1s. 6*d* per rupee in other cases. The maximum rates of leave-salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

6. In the case of Government servants to whom the rules regarding the grant of passages to civilian personnel of British domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of rule VII, and whether they were allowed a similar benefit under either rule VII or rule VIII on returning to India.

[Ad. G. Form F. R. 5.]

FORM NO. 5.

(See Subsidiary rule 10.)

Information required by the Principal Auditor before the leave-salary certificate can be drawn up.

(This form should be returned duly filled up to the Principal Auditor one clear week before the date of making over charge.)

1. On what date do you intend to make over charge of your office?	1.
2. Before or after noon?	2.
3. At what port do you intend to embark?	3
4. By what ship will you sail, and on what date?	4.
5. In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months, if any, at the commencement of your leave?	5
6. What is your address in England or in India or elsewhere to which your leave-salary certificate, to enable you to draw your leave-salary, may be sent, in case it is not handed over to you before you go on leave?	6.
7. What advance, if any, do you require now?	7.
8. Do you intend to pay your...... ..Civil Fund subscriptions in England or in India?	8.
9. Do you wish to subscribe to the General Provident Fund? If so, at what rate per cent. on your leave-salary?	9.

[illegible]

production of a life certificate. The allowances for a broken period of a month may be drawn any time after the expiration of the leave.

No. 7 is for military officers subject to the Military Leave Rules and for Chaplains only.

No. 8 is for members of the Indian Civil Service only

Dated at—————————. (*Signature*)————————

The———*of* — — — 19 . (*Designation*)————————

To the Principal Auditor————————————

[Ad. G Form F. R. 4.]

Form No. 4.

(*See* Subsidiary rule 60).

Principal Auditor's letter to the Government servant proceeding on leave out of India.

To

Sir,

With reference to the order noted in the margin granting you leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave-salary certificate to enable you to draw your *leave-salary.*

Here enter number and date of the order, name of the authority granting the leave, and page of the gazette in which the leave is notified.

2. To enable me to prepare your leave-salary certificate, it is necessary *that you send me the information asked for in the enclosed form* no. 5 and also your formal certificate of giving over charge of your office, date and hour at your earliest convenience.

3. If you are in, or intend to pass through, Allahabad your certificate will be prepared, and your pay and allowances paid up to the date before *your leave commences, except in the case referred to in paragraph 5* below, on your calling personally at my office and presenting a last-pay certificate from the officer from whom you last drew your pay and allowances. Otherwise I shall cause the leave-salary certificate to be delivered to you, and the pay and allowances to be paid through the *officer from whom you draw your pay and allowances.*

4. If, however, you proceed to Europe and are obliged to leave *before the leave-salary certificate is received and made over to you, the* leave salary certificate, when prepared, will be sent to the address specified by you.

5. Leave-salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn *either in India or out of India* If you desire to draw it in India, a separate leave-salary certificate for this portion of the leave will be issued, *but you will be allowed to draw the pay and allowances for the* broken period of the month up to the date of relief only at the commencement of the next month along with the leave-salary for the rest of the month.

6. If you wish to draw your leave-salary in India under the *provision of paragraph 5 above, you should* either grant your agents a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund overpayments should be furnished by your agents unless they have executed a general bond of indemnity.

(*Note.*—Paragraphs 5 and 6 do not apply to non-gazetted Government servants who have to draw their leave-salary through the head of the office and should be omitted from the letters addressed to them.)

Principal Auditor.

[Ad. G. Form F. R. 5.]

FORM NO. 5.

(*See* Subsidiary rule 60.)

Information required by the Principal Auditor before the leave-salary certificate can be drawn up.

(This form should be returned duly filled up to the Principal Auditor one clear week before the date of making over charge.)

1. On what date do you intend to make over charge of your office?	1.
2. Before or after noon?	2.
3. At what port do you intend to embark?	3
4. By what ship will you sail, and on what date?	4.
5. In what country do you wish to draw your leave-salary during leave on average pay for a period not exceeding four months, if any, at the commencement of your leave?	5
6. What is your address in England or in India or elsewhere to which your leave-salary certificate, to enable you to draw your leave-salary, may be sent, in case it is not handed over to you before you go on leave?	6
7. What advance, if any, do you require now?	7.
8. Do you intend to pay your...... ..Civil Fund subscriptions in England or in India?	8.
9. Do you wish to subscribe to the General Provident Fund? If so, at what rate per cent. on your leave-salary?	9.

[illegible] ...ent under a guarantee bond or on ... broken period of a month may be drawn any time after the expiration of the leave

No. 7 is for military officers subject to the Military Leave Rules and for Chaplains only.

No. 8 is for members of the Indian Civil Service only.

Dated at————————.   (*Signature*)————————

The———*of* – – – 19   (*Designation*)————————

To the Principal Auditor————————

[Ad. G. Form F.R. 6.]

FORM no 6.

(*See* Subsidiary rule 62.)

Letter from Principal Auditor when a Government servant is unable to call at his office.

To

THE ———————

SIR,

I have the honour to enclose the following documents :—

(1) A bill for Rs.————being the pay and allowances due to proceeding on leave out of India up to the date before his leave commences. This you are to deliver to him on his giving you a certificate of his having made over charge of his office and, after he has signed it, to pay.

(2)————————'s leave-salary certificate, which you should give him when you pay his bill.

(3) The original and triplicate copies of the Colonial leave-salary warrant. The original in which the signature of the Government servant should be obtained should be returned to this office and the triplicate made over to the Government servant.

(4) A copy of certificate of leave, which should be made over to the Government servant.

(5) A blank form (no. 9) of report of the date of leaving India, to be delivered along with the leave-salary certificate.

(6) A form (no. 10) of report of your having carried out these instructions which you will send to me.

Place—

Date— } *Principal Auditor.*

G. G. Form II.

Form no. 7.

(See Subsidiary rule 68)

Certificate of leave.

Granted to ——— ——————proceeding out of India.

1. Government under which employed ——— —

2. Post last held

3. Nature of leave granted————— ———

4. Date of commencement of leave

5. Date of expiry of leave—————— ————

6. Whether a medical certificate of fitness must be produced before return to duty ——

7. Amount of leave, expressed in terms of leave on average pay, at the Government servant's credit on the expiry of the present leave

8. Period of leave on average pay which might, under Fundamental Rule 81, be granted if the present leave were extended——————

Further particulars required in the case of Military Officers in civil employ

9. Date of entry under civil leave rules.

10. Amount of leave at credit at commencement of present leave—
   Earned in respect of service under military rules,
   Earned in respect of service under civil rules.

Place ———

Date —

Signature

Principal Auditor.

Note 1 No leave-salary is payable on this certificate

Note 2 —This certificate must be produced before the High Commissioner, with any application for an extension of leave, or permission to return to duty, or the grant of a last-pay certificate.

[Ad. G. Form F. R. 6.]

FORM no 6.

(*See* Subsidiary rule 62.)

Letter from Principal Auditor when a Government servant is unable to call at his office.

To

THE— — — — — ——

SIR,

I have the honour to enclose the following documents :—

(1) A bill for Rs.—— ——————being the pay and allowances due to proceeding on leave out of India up to the date before his leave commences. This you are to deliver to him on his giving you a certificate of his having made over charge of his office and, after he has signed it, to pay

(2) - ——— - — - — - ——*'s leave-salary certificate*, which you should give him when you pay his bill.

(3) The original and triplicate copies of the Colonial leave-salary warrant. The original in which the signature of the Government servant should be obtained should be returned to this office and the triplicate made over to the Government servant.

(4) A copy of certificate of leave, which should be made over to the Government servant.

(5) A blank form (no. 9) of report of the date of leaving India, to be delivered along with the leave-salary certificate.

(6) A form (no. 10) of report of your having carried out these instructions *which you will send to me.*

Place—

Date—— } *Principal Auditor.*

[Ad. G. Form F. R. 7.]

FORM NO. 9.

(*See* Subsidiary rule 65.)

Report of actual sailing

FROM

———————————————

To

THE PRINCIPAL AUDITOR————

SIR,

I have the honour to report that I sailed from India by the steamer "— ——" which left — — ———— on ———— day the ———— of ———— 19

I have, etc.,

(Signed)

Noted and forwarded to the Secretary to the Government of the United Provinces, — — Department

The—— — 19 *Principal Auditor.*

[Ad. G Form F. R. 3]

FORM NO. 8.

(See subsidiary rule 64.)

Certificate of service and residence of A B, a Chaplain of the — Establishment, and of the amount of annuity for which he is eligible

Total period of service   years   months   days.

Total period of residence   years   months   days.

Computed up to

(Here enter the date of embarkation. If, however, the Chaplain is availing himself of [illegible] the date of embarkation if that date fall within [illegible] the date of resignation.)

Amount of annuity for which eligible   £   s.   d.

Note.—([illegible] less than seventeen and twenty years, [illegible])

There are no demands on the books of the Government of India against A. B.

Dated at ______ } *Principal Auditor.*
The ______ 19 }

Forwarded to the Secretary to the Government of ______

N B.—(The above CERTIFICATE [illegible] of the Public Accounts up to the [illegible] is not to preclude the Government [illegible] which the above-named Government servant may be [illegible])

[Ad. G. Form F. R. 7].

FORM NO. 9.

(See Subsidiary rule 65.)

Report of actual sailing

FROM

———————————

To

THE PRINCIPAL AUDITOR————

SIR,

I have the honour to report that I sailed from India by the steamer "————" which left ———— on ———— day the ———— of ———— 19

I have, etc.,

(Signed)

Noted and forwarded to the Secretary to the Government of the United Provinces, ——— Department.

The ——— 19

Principal Auditor.

[Ad. G. Form F. R. 8.

FORM NO. 10.

(See Subsidiary rule 66.)

Disbursing officer's report

FROM

——— ———

To

THE PRINCIPAL AUDITOR ——————

SIR,

With reference to your letter no. ———, dated ———, I have the honour to report that the bill for Rs. ——— therein enclosed was delivered to ——— on his giving me a certificate of having made over charge of his office; and further that the bill having been paid, Mr. ———'s leave-salary certificate / Colonial leave-salary warrant / certificate of leave was delivered to him, together with blank form no. 9 of report of date of leaving India.

2. The original copy of the Colonial leave-salary warrant is returned herewith with the signature of the Government servant duly obtained therein.

I have, etc.,

Place ——— } *Signature* ———
Date ——— }

[Ad G. Form F. R. 9.]

Form No 11.

(See Subsidiary rules 78 and 81)

Leave account of ____________________

Duty.					Leave earned.			Leave at credit (2+7).			Leave taken.																Balance (3—6)			Signature of attesting officer.
											On average pay					On half or quarter average pay								Total 4+5 (b).						
																Actual period (a)					Period converted to leave on average pay. (b)									
(1)					(2)			(3)			(4)					(5)								(6)			(7)			(8)
From	To	Y	M.	D	Y.	M.	D.	Y.	M.	D.	From	To	Y	M.	D	From	To	Y.	M	D.	Y	M	D	Y	M.	D	Y.	M.	D.	

Instructions.

(1) ... ned in terms of leave on average pay.

(2) ... rvants already in Government service the first entries, i e, the entries that will be made on 1st ... e date on which the Government servant concerned elects to come under the Fundamental ... 4 and 5, the entries to be made in accordance with Fundamental Rules 77 and 78

(3) ... pplies for leave, columns 1 to 3 are to be filled up for arriving at the leave at his credit. The ... lumn (3) should be arrived at by adding the new entry in column (2) to the last previous entry

(4) ... eturns from leave, columns 4, 5, 6 and 7 will be filled up. The portion of the leave on half ... ther with the leave on subsistence grant under the note to rule 88) will be entered in column ... d by 2 is the entry to be made in column 5 (b).

(5) ... undamental Rule 81 (a) will be applied to the totals of the periods in column (6), while the ... Rule 81 (b) should be applied to the totals of the periods in column 4.

(6) ... from under the ordinary to the special leave rules a new leave account must be opened.

(7) ... transferred for service under another Government, a separate account should be opened in ... ve earned under that Government and the leave the cost of which is debited to that Govern... in addition to the main leave account, which must be a complete record of all leave earned ... throughout his service.

[Ad. G. Form F. R. 8.

FORM NO. 10.

(See Subsidiary rule 66)

Disbursing officer's report

FROM

———

To

THE PRINCIPAL AUDITOR ———

SIR,

With reference to your letter no. ———, dated ———, I have the honour to report that the bill for Rs. ——— therein enclosed was delivered to ——— on his giving me a certificate of having made over charge of his office; and further that the bill having been paid, Mr. ———'s $\frac{\text{leave-salary certificate}}{\frac{\text{Colonial leave-salary warrant}}{\text{certificate of leave}}}$ was delivered to him, together with blank form no. 9 of report of date of leaving India.

2. The original copy of the Colonial leave-salary warrant is returned herewith with the signature of the Government servant duly obtained therein.

I have, etc.,

Place ——— }
Date ——— } *Signature* ———

History—(continued).

INSTRUCTIONS —(contd.). *Subsidiary Rules 89 and 90.

Certificate of medical officer furnishing statement of case.*

I —————————————————

Civil Surgeon [at (or) of] ——————————————

do hereby certify that ——————————————

of the ——————service (department) is in a bad state of health and I solemnly and sincerely declare that, according to the best of my judgment, a leave of absence is essentially necessary to $\frac{\text{his}}{\text{her}}$ recovery, and do therefore recommend that $\frac{\text{he}}{\text{she}}$ may be permitted to proceed † ——————————————————————

for a period of ——————————————

†On leave in India or to sea or such place as the medical officer may think proper to designate.

———————————

Civil Surgeon

Dated ——————————

(or Commissioned Medical Officer.)

The — *of* ————— 192 .

Medical Committee's Report.

The report of a Medical Committee must always be furnished unless the certificates on the reverse are utilized.

We do hereby certify that, according to the best of our professional judgment after careful personal examination of the case, we consider the health of ————————————————————

to be such as to render leave of absence for a period of———— ———months absolutely necessary for $\frac{\text{his}}{\text{her}}$ recovery.

———————————

President.

——————————

—————————— } Members.

——————————

Dated — — — —

The *of* ——————

Certificate of Civil Surgeon.*

I hereby certify that the state of ____________________

____________________ is such as to make it highly inconvenient for $\frac{\text{him}}{\text{her}}$ to proceed to ____________________ for the purpose of appearing before a Medical Committee.

____

Dated ____________________

or Commissioned Medical Officer

The ______ *of* ____________

INSTRUCTIONS—(*contd.*)

* The certificate on the page must always be furnished if the Government servant concerned cannot appear before Medical Committee. (Subsidiary Rule 93.)

Medical Officer's certificate †

$\frac{\text{I}}{\text{we}}$ do hereby certify that ____________________

____________________ is ‡ ____________________

____

and $\frac{\text{I}}{\text{we}}$ solemnly and sincerely declare that, according to the best of $\frac{\text{my}}{\text{our}}$ judgment, a change of air is essentially necessary, and do therefore recommend that $\frac{\text{he}}{\text{she}}$ may be permitted to proceed on leave for a period of ____________ month

____

____

Dated ________

The ______ *of* ______ 192 .

Countersigned.

____

Commissioner or District Magistrate

†To be signed by two medical officers, either commissioned or in charge of civil station but if this certificate is signed by only one medical officer, it must be countersigned by the Commissioner of the division or the District Officer. Subsidiary Rule 93. When two medical officers do not sign, reason must be given in order that the Local Government may decide whether to dispense with the signature of two medical officers

‡ Here state nature of disease or state of health.

[Ad. G. Form F. R. 10.]

Form no. 13.

(*See* Subsidiary rules 132 and 135.)

Service Book.

Space should be provided on the reverse of the title page of the service book to record thumb and finger-impressions of (non-gazetted) Government servants under the following heading :—

"Thumb and finger-impressions of (non-gazetted) Government servant."

The opening page of the service book should contain the following entries :—

(1) Name.

(2) Race.

(3) Residence.

(4) Father's name and residence.

(5) Date of birth by the Christian era as nearly as can be ascertained.

(6) Exact height by measurement.

(7) Personal marks for identification.

(8) Signature of Government servant.

(9) Signature and designation of the head of the office or other attesting officer.

Note.—[The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (8) and (9) should be dated.]

The remaining folios of the service book should be divided into fifteen columns, viz. :—

(1) Name of appointment.

(2) Whether substantive or officiating, and whether permanent or temporary.

(3) If officiating, here state substantive appointment.

(4) Pay in substantive appointment.

(5) Additional pay for officiating.

(6) Other emoluments falling under the term "Pay."

(7) Date of appointment.

(8) Signature of Government servant.

(9) Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8.

(10) Date of termination of appointment.

(11) Reason of termination (such as promotion, transfer, dismissal, etc.)

(12) Signature of the head of office or other attesting officer.

(13) Leave taken—nature and duration of.

(14) Signature of the head of the office or other attesting officer.

(15) Reference to any recorded punishment or censure, or reward or praise of the Government servant.

FORM no. 14

Details of

Service Roll

Appointment held and name of establishment	Permanent, temporary or officiating.	Pay.		From—	To—
		Pay.	Allowances.		

[see Subsidiary rule 141].

service.

Name of servant.

Absence from duty (on leave or without leave), periods of suspension and other interruptions.			Remarks.
Nature.	From—	To—	

FORM no. 14

Details of

Service Roll

Appointment held and name of establishment	Permanent, temporary or officiating.	Pay		From—	To—
		Pay.	Allowances.		

[see Subsidiary rule 141].

service.

Name of servant

Absence from duty (on leave or without leave), periods of suspension and other interruptions.			Remarks.
Nature.	From—	To—	

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